

federal register

TUESDAY, SEPTEMBER 16, 1975



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Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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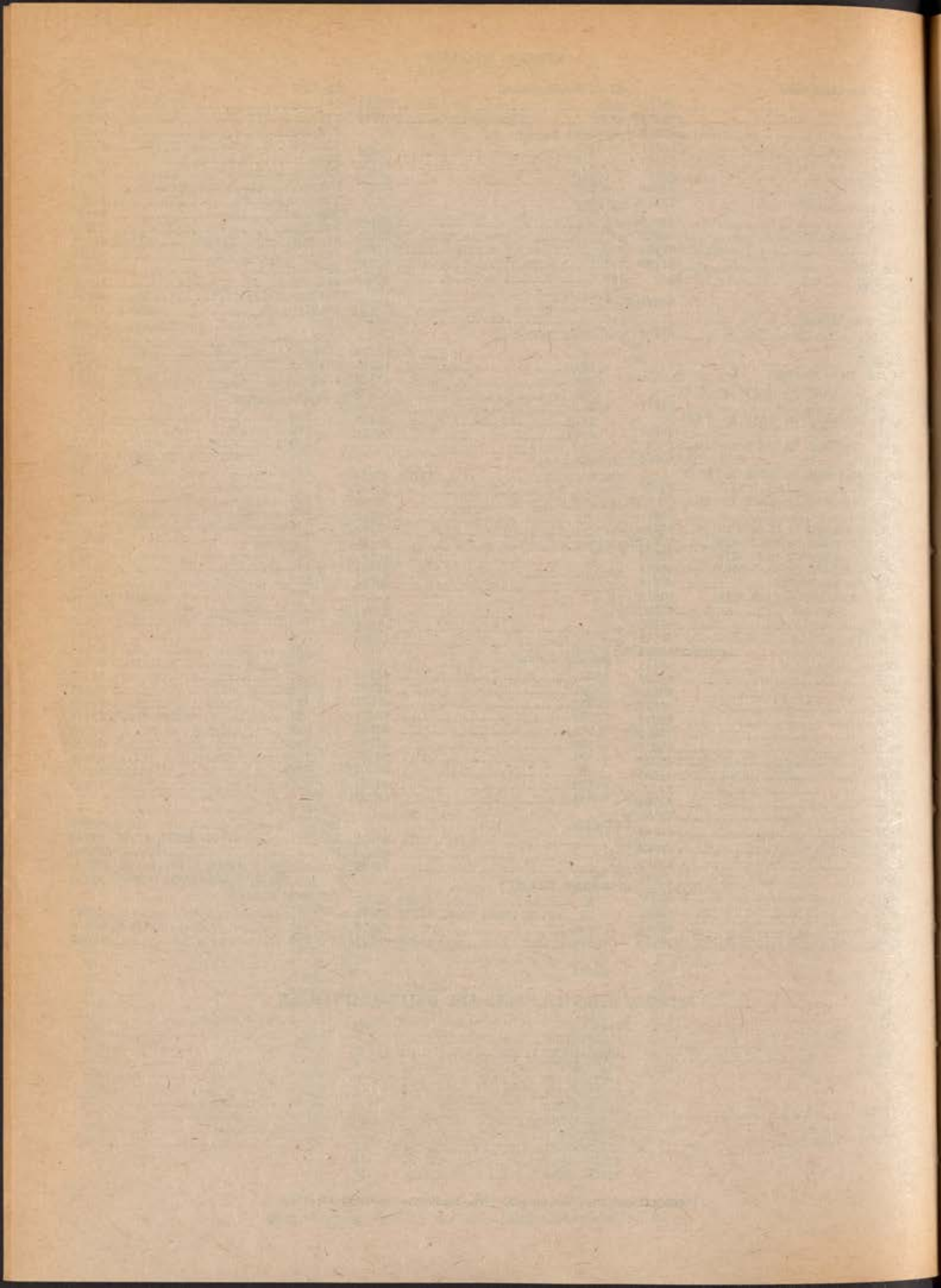
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presidential documents

Title 3—The President

PROCLAMATION 4391

General Pulaski's Memorial Day, 1975

By the President of the United States of America

A Proclamation

One hundred and ninety-six years ago, Casimir Pulaski, a Polish patriot in exile, gave his life in the struggle for American independence.

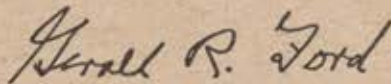
General Pulaski came to the United States in 1777, when barely 30 years of age, to join George Washington's Revolutionary Army. He served with great distinction at Brandywine and was promoted by the Continental Congress to the rank of Brigadier General. He commanded a cavalry division and later organized an independent corps of cavalry and light infantry which won acclaim as Pulaski's Legion. In October, 1779, during the Battle of Savannah, he was mortally wounded while leading his cavalry unit in a daring charge.

It is appropriate to commemorate General Pulaski's heroic sacrifice in the cause of freedom.

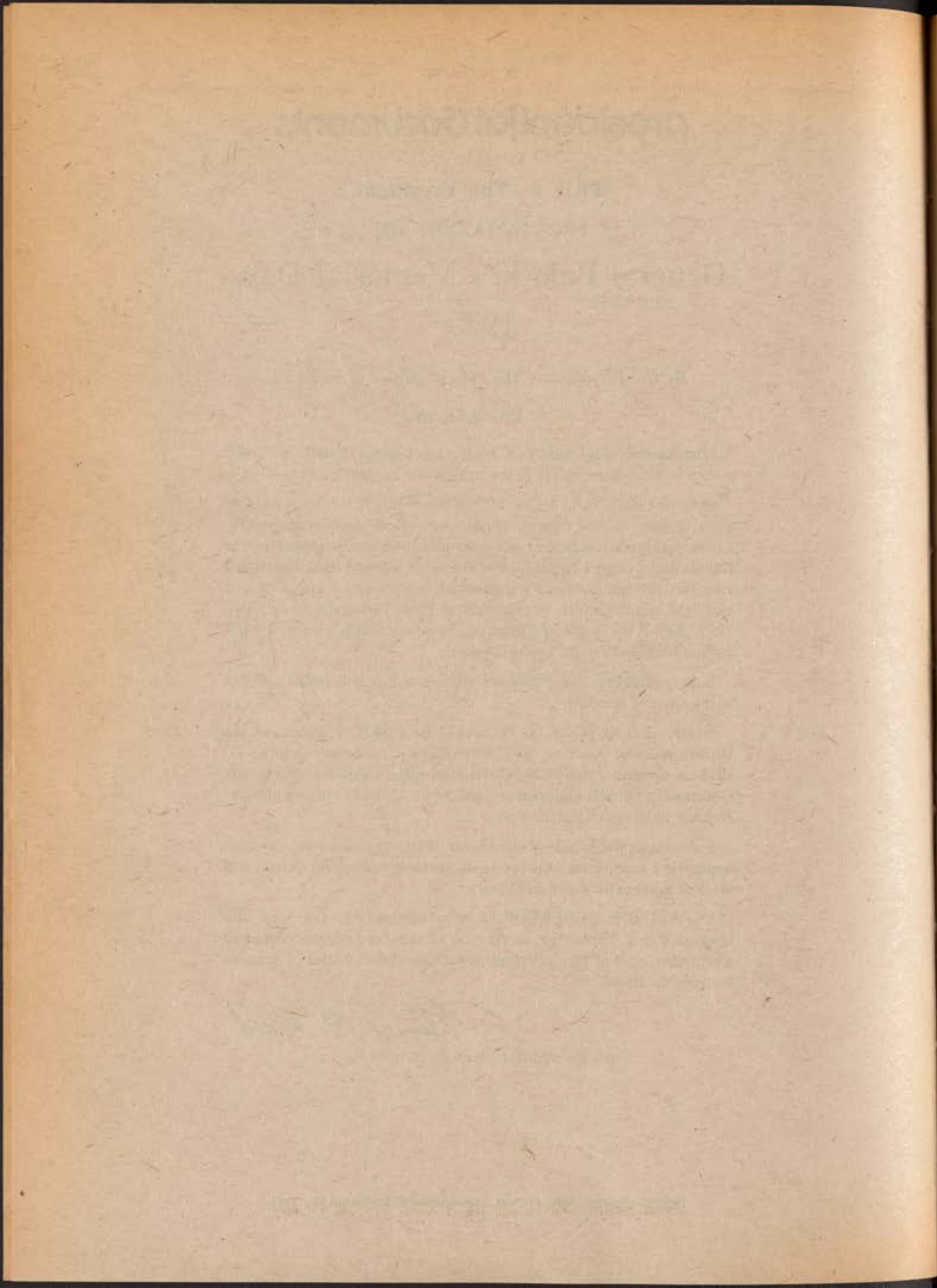
NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Saturday, October 11, 1975, as General Pulaski's Memorial Day, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and his dedication to the defense of liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two-hundredth.



[FR Doc.75-24811 Filed 9-15-75;10:58 am]



PROCLAMATION 4392

Leif Erikson Day, 1975

By the President of the United States of America

A Proclamation

The United States has been fortunate in the two hundred years of its independence to welcome friendly visitors from all over the earth. Many of those newcomers came to stay and to help make our land the free and prosperous nation that it is today. Many others visited our shores in earlier centuries, among them the daring Norse explorer, Leif Erikson, and, his intrepid crew.

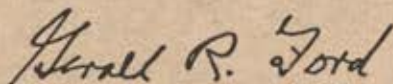
The spirit of adventure and search for new horizons which brought Leif Erikson to this continent has led succeeding generations of Americans to the greatest of accomplishments. In honoring this great Norwegian, we honor all those who came to our land and enriched the history of the United States.

In a joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169e), the Congress authorized the President to proclaim October 9 in each year as Leif Erikson Day.

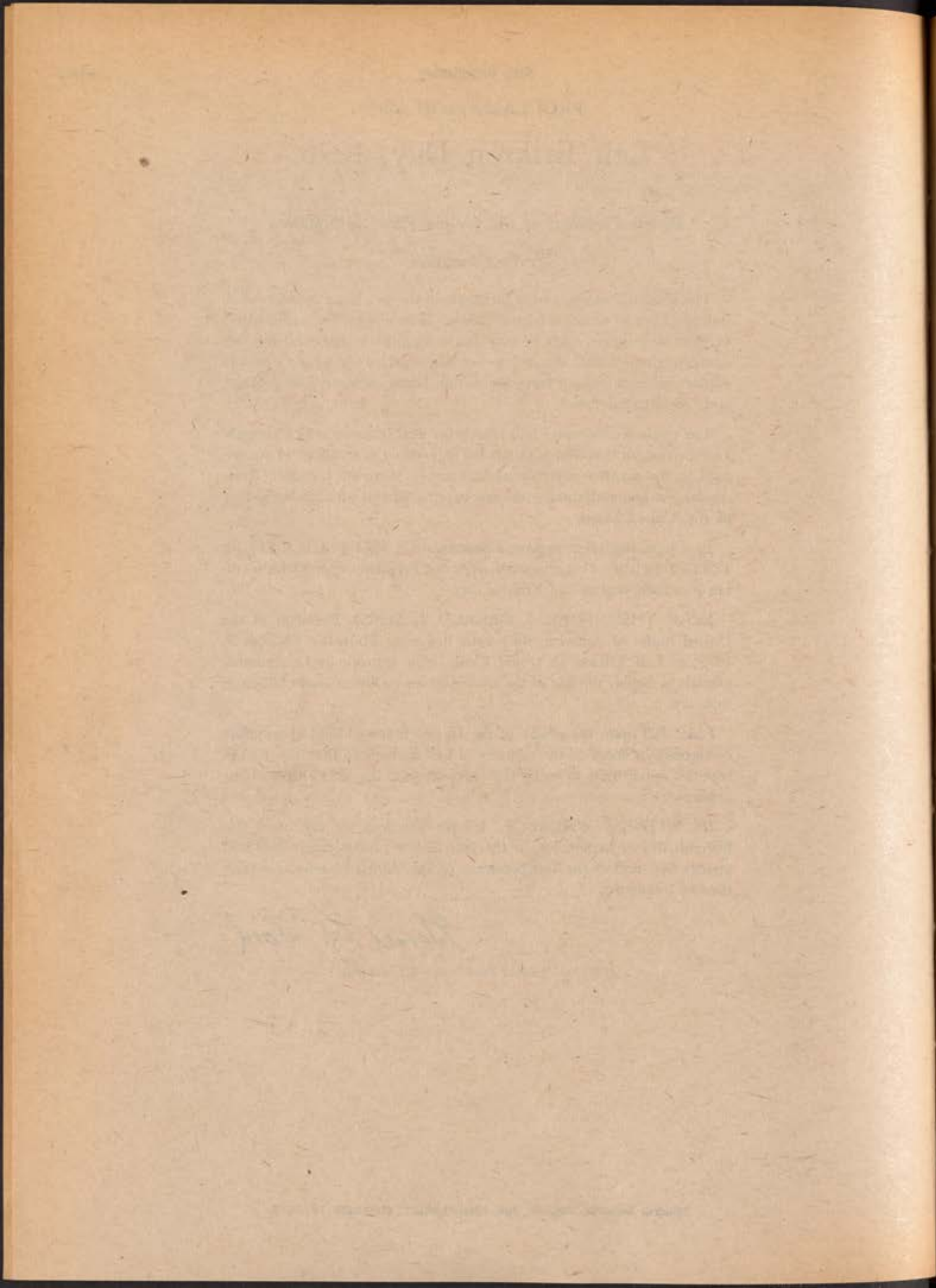
NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Thursday, October 9, 1975, as Leif Erikson Day, and I call upon appropriate Government officials to display the flag of the United States on Government buildings that day.

I also call upon the people of the United States to hold appropriate ceremonies in honor of the memory of Leif Erikson on that day, and to take this opportunity to renew their knowledge of the early history of our continent.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.



[FR Doc.75-24812 Filed 9-15-75;10:59 am]



PROCLAMATION 4393

National School Lunch Week, 1975

By the President of the United States of America

A Proclamation

The success of the National School Lunch Program—now in its 29th year—reaffirms those qualities which we, as a people, have exhibited for the past 200 years.

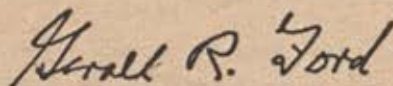
Our awareness, our concern, our willingness to work together for a common good have preserved and enriched this Nation. Today, these same qualities are ensuring the health and well-being of our country's children and youth.

The National School Lunch Program is a product of the awareness and cooperation of parents, teachers and civic groups. It is also an outstanding example of cooperation between people at Federal, State and local levels.

Recognizing the importance of their activities and the good which this program does our Nation, Congress, by a joint resolution of October 9, 1962 (76 Stat. 779, 36 U.S.C. 168), designated the week beginning the second Sunday in October each year as National School Lunch Week. The President has been requested to annually issue a proclamation calling for observance of that week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby urge the people of the United States to observe the week of October 12, 1975, as National School Lunch Week and to give special attention to activities which will focus on good nutrition for our young people.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.



[FR Doc.75-24813 Filed 9-15-75;11:00 am]

Memorial & Social Lunch Week 1972

Friday, March 3, 1972

10:00 a.m. - 11:00 a.m.

11:00 a.m. - 12:00 p.m.

12:00 p.m. - 1:00 p.m.

1:00 p.m. - 2:00 p.m.

2:00 p.m. - 3:00 p.m.

3:00 p.m. - 4:00 p.m.

4:00 p.m. - 5:00 p.m.

5:00 p.m. - 6:00 p.m.

6:00 p.m. - 7:00 p.m.

7:00 p.m. - 8:00 p.m.

8:00 p.m. - 9:00 p.m.

9:00 p.m. - 10:00 p.m.

Executive Order 11878

September 10, 1975

**Assigning Responsibilities Relating to Activities of the
Presidential Clemency Board**

By virtue of the authority vested in me by the Constitution of the United States of America, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Section 9 of Executive Order No. 11803 of September 16, 1974, as amended, is amended to read:

"The Board shall submit its final recommendations to the President not later than September 15, 1975, at which time it shall cease to exist."

SEC. 2. Any applications for Executive clemency, as to which the Presidential Clemency Board (established by Executive Order No. 11803) has not taken final action shall be transferred, together with the files related thereto, to the Attorney General.

SEC. 3. The Attorney General, with respect to the applications and related files transferred to him by Section 2 of this Order, shall take all actions appropriate or necessary to complete the clemency process and shall expeditiously report to the President his findings and recommendations as to whether Executive clemency should be granted or denied in any case. In performing his responsibilities under this Order, the Attorney General shall apply the relevant criteria and comply with the appropriate and applicable instructions and procedures established by Executive Order No. 11803 of September 16, 1974, as amended, Proclamation No. 4313 of September 16, 1974, as amended, Executive Order No. 11804 of September 16, 1974, and, to the extent that he deems appropriate, the regulations of the Presidential Clemency Board and the Selective Service System issued pursuant to the foregoing Executive orders.

SEC. 4. The Director of the Office of Management and Budget is hereby designated and empowered to take such action as he deems necessary to ensure the orderly and prompt termination of the activities of the Presidential Clemency Board and the assignment of responsibilities directed by this Order.

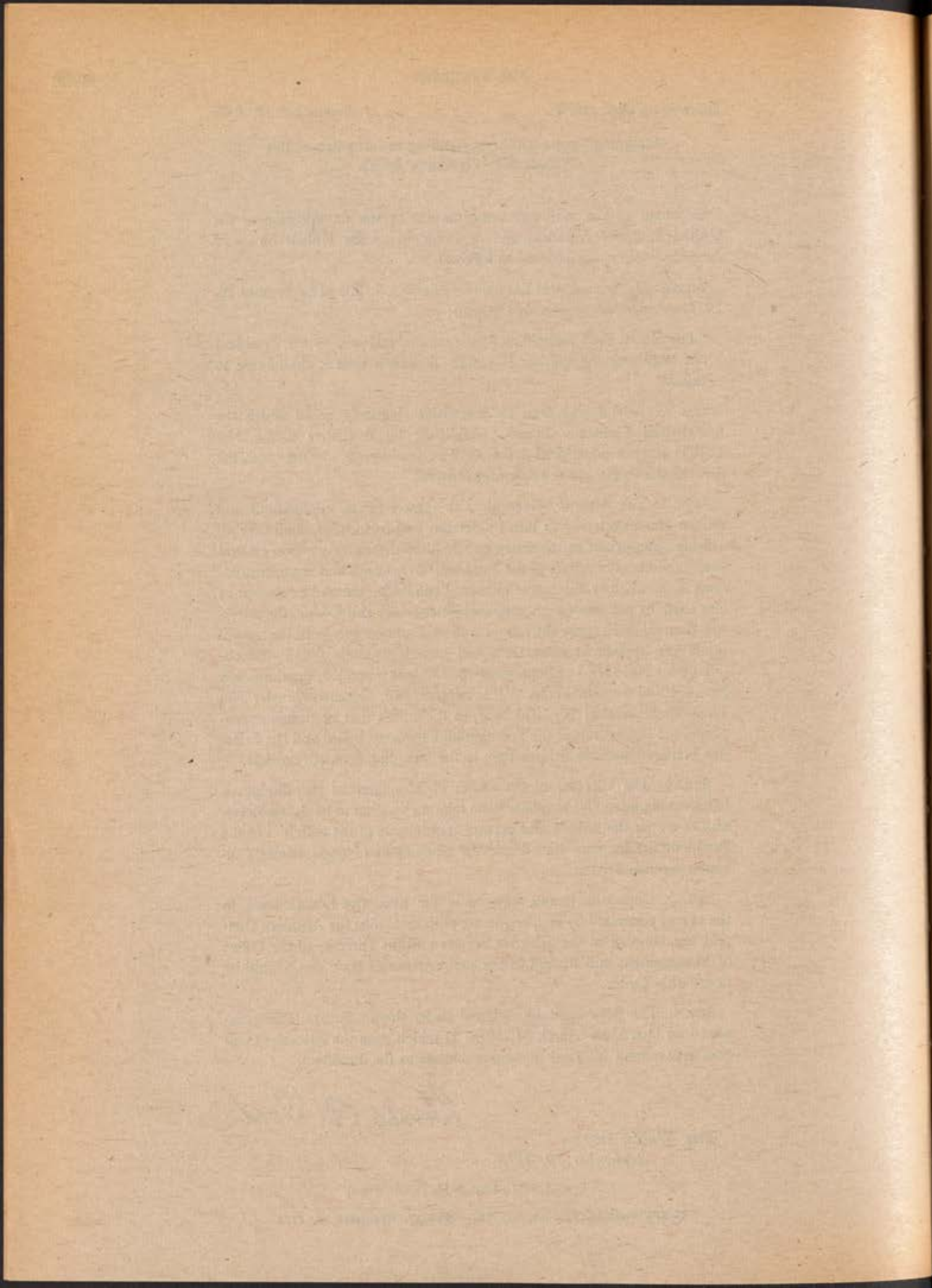
SEC. 5. Departments and agencies in the Executive branch shall, to the extent permitted by law, cooperate with and assist the Attorney General, the Director of the Selective Service and the Director of the Office of Management and Budget in the performance of their responsibilities under this Order.

SEC. 6. The responsibilities assigned under this Order are to be completed no later than March 31, 1976, at which time the Attorney General shall submit his final recommendations to the President.

Gerald R. Ford

THE WHITE HOUSE,
September 10, 1975.

[FR Doc.75-24810 Filed 9-15-75;10:57 am]



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EM- PLOYEES

Candidate for Elective Office

On January 29, 1975, a document was published in the FEDERAL REGISTER (40 FR 4267) proposing to amend and revise §§ 151.101 through 151.122 and delete § 151.123 of Part 151. The purposes of the proposed revision were to delete as prohibited activities those activities which were previously included within the terms "political management" and "political campaigns" and to interpret the phrase "be a candidate for elective office." All comments with respect to the proposed revision, which uniformly suggested exclusion of political party office from the definition of "Elective office", were given due consideration.

As a result of comments received, from Members of Congress with respect to the Congressional intent and also from union officials and political party representatives, the following changes in the revised rules are made:

1. The definition of "Elective office" which appears at § 151.101(d) is rewritten to exclude political party office.

2. Candidacy for political party office is added as a permissible activity at § 151.111.

3. Candidacy for political party office is deleted as a prohibited activity in § 151.121(c).

4. Candidacy for various political party offices is added at § 151.122(f) as an exception to the general prohibition against candidacy for elective office.

Accordingly Part 151 of Title 5 CFR is amended by revising §§ 151.101 through 151.122 and deleting § 151.123 as set forth below.

Effective date. This regulation shall become effective for all activity taking place on or after January 1, 1975.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

GENERAL PROVISIONS

Sec.
151.101 Definitions.

PERMISSIBLE ACTIVITIES

151.111 Permissible Activities.

PROHIBITED ACTIVITIES

151.121 Use of official authority; coercion; candidacy; prohibitions.
151.122 Candidacy; exceptions.

AUTHORITY: The provisions of this Part 151 are issued under 5 U.S.C. 1302, 1501-1508, as amended.

GENERAL PROVISIONS

§ 151.101 Definitions.

In this part:

(a) "State" means a State or territory or possession of the United States;

(b) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(c) "Federal agency" means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(d) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency but does not include—

(1) An individual who exercises no functions in connection with that activity;

(2) An individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(e) "Political party" means a National political party, a State political party, and an affiliated organization;

(f) "Election" includes a primary, special, and general election.

(g) "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(h) "Partisan" when used as an adjective refers to a political party.

(i) "Elective office" means any office which is voted upon at an election as defined at § 151.101(f), above, but does not include political party office.

§ 151.111 Permissible activities.

(a) All State or local officers or employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this part. A State or local officer or employee may participate in all political activity not specifically restricted by law and this part, including candidacy for office in a nonpartisan election, and candidacy for political party office.

§ 151.121 Use of official authority; coercion; candidacy; prohibitions.

A State or local officer or employee may not—

(a) Use his official authority of influence for the purpose of interfering with

or affecting the result of an election or a nomination for office; or

(b) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

(c) Be a candidate for elective public office in a partisan election.

§ 151.122 Candidacy; exceptions.

Sections 151.121(c) does not apply to—

(a) The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(b) The Mayor of a city;

(c) A duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system;

(d) An individual holding elective office; or

(e) Activity in connection with a nonpartisan election; or

(f) Candidacy for a position of officer of a political party convention member of a National, State or local committee of a political party, or any similar position.

[PR Doc.75-24591 Filed 9-15-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Confidential Assistant (Private Secretary) to the Assistant Attorney General is reestablished under Schedule C.

Effective on September 16, 1975, § 213.3310(f) (1) is amended as set out below:

§ 213.3310 Department of Justice.

(f) *Criminal Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1964-1968 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[PR Doc.75-24594 Filed 9-15-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Receptionist (Typing) is excepted under Schedule C.

Effective on September 16, 1975, § 213.3316(a) (20) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *
(20) One Receptionist (Typing) to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-24593 Filed 9-15-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Executive Assistant to the Assistant Administrator for Policy and Analysis is excepted under Schedule C.

Effective on September 16, 1975, § 213.3388(k) is added as set out below:

§ 213.3388 Federal Energy Administration.

(k) *Office of the Assistant Administrator for Policy and Analysis.* (1) One Executive Assistant to the Assistant Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.75-24592 Filed 9-15-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Director, Materials Transportation Bureau, is excepted under Schedule C.

Effective on September 16, 1975, § 213.3394(a) (8) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *
(8) Director, Materials Transportation Bureau.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.75-24595 Filed 9-15-75; 8:45 am]

FEDERAL EMPLOYMENT

Age Discrimination

Parts 338, 410, 752, and 772, are amended to reflect the policy of non-discrimination in Federal employment as required by the Age Discrimination in

Employment Act of 1967 as amended by Pub. L. 93-259. Specifically, (1) Part 338 is amended to conform with section 3307 of 5 U.S.C. regarding maximum-age requirements in certain occupations and to implement age discrimination provisions in Pub. L. 93-259. (2) Part 410 is revised by adding "age" as one of the factors which may not be used in the selection and assignment of trainees. (3) Part 752 is revised to add discrimination on account of "age" as one of the factors which an agency may not use as a basis for taking an adverse action against an employee, and to add "age" as one of the matters the Commission will review on an appeal of a suspension of an employee. (4) Part 772 is revised to add "age" as one of the reasons on which allegations of discrimination may be based by employees in connection with an appeal to the Commission of an agency's action.

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

(1) Section 338.601 is amended as set out below.

§ 338.601 Prohibition of maximum-age requirements.

A maximum-age requirement may not be applied in either competitive or non-competitive examinations for positions in the competitive service except as provided by:

(a) Section 3307 of title 5, United States Code; or

(b) Pub. L. 93-259 which authorizes the Commission to establish a maximum-age requirement after determining that age is an occupational qualification necessary to the performance of the duties of the position.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR, 1954-1958 Comp., p. 218)

PART 410—TRAINING

(2) Section 410.302(c) is amended as set out below.

§ 410.302 Selection and assignment of trainees.

(c) The head of an agency shall prescribe such procedures as are necessary to assure that the selection of employees for training is made without regard to race, color, religion, sex, national origin, age, or other factors unrelated to the need for training.

(5 U.S.C. 4118; EO 11348, 3 CFR 1967 Comp., p. 275)

PART 752—ADVERSE ACTIONS BY AGENCIES

(3) Section 752.104(c) was inadvertently omitted when § 752.1104 was revised because of the Revision of the Appeals System, FR Doc. 74-20774, September 9, 1974 page 32541. This section and § 752.304(b) (2) are amended as set out below.

§ 752.104 General standards.

(c) An agency may not take an adverse action against an employee covered

by this part that is based on discrimination because of race, color, religion, sex, national origin, or age, or for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

§ 752.304 Appeal rights to the Commission.

(b) *Scope of review.* * * *

(2) When an employee alleges that a suspension was taken as a result of discrimination on grounds of race, color, religion, sex, or national origin, or because of age: *Provided*, That the employee was at least 40 years of age but less than 65 years of age, the Commission refers the allegation of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

(5 U.S.C. 1302, 3301, 3302, 7701; EO 10577, 3 CFR, 1954-58 Comp., p. 218; EO 11491, 3 CFR, 1966-1970 Comp., p. 861)

PART 772—APPEALS TO THE COMMISSION

(4) The first paragraph of § 772.306(a) is amended as set out below.

§ 772.306 Allegations of discrimination.

(a) Except as provided in paragraph (e) of this section, when an employee makes a timely allegation in writing in connection with an appeal under this subpart that the agency's action was based in whole or in part on discrimination because of race, color, religion, sex, or national origin, or because of age: *Provided*, That at the time of the action the employee was at least 40 years of age but less than 65 years of age, the Appeals Authority shall determine whether the appellant has been informed by the agency of his right to proceed under this subpart or under Part 713 of this chapter and of the scope of the review provided in each procedure. If the appellant has not been informed of the separate rights of appeal, the Appeals Authority shall refer the matter to the agency so the agency may explain the alternate rights of appeal to the appellant as provided in § 713.236 of Part 713 of this chapter and afford him the opportunity, if appropriate, to elect which avenue of appeal he wishes to pursue.

(5 U.S.C. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347; EO 10577, 3 CFR, 1954-1958 Comp., p. 218; EO 11491, 3 CFR, 1966-70 Comp., p. 803)

Effective date: August 26, 1975.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Director to
the Commissioners.

[FR Doc.75-24590 Filed 9-15-75; 8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SCHOOL LUNCH PROGRAM AND FOOD STAMP PROGRAM

On July 2, 1975, the Department approved the establishment of a new FNS Regional Office in Waltham, Massachusetts to serve the six New England States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, beginning September 1, 1975.

This region, designated the "New England Region", conforms to the boundary of Region I established by the Federal Regional Councils. Currently this region as well as Federal Regions II and III are served by the Northeast FNS Regional Office (to be redesignated the "Mid-Atlantic FNS Regional Office" effective September 1) located in Princeton, New Jersey.

In addition to reducing the unusual heavy workload of the Princeton Office (which handles about 30 percent of the national FNS workload activities) the new regional office will enable both offices to more effectively serve the States in their respective regions through greater concentrated effort and cooperation, provide proportionately more technical assistance and be more responsive to specific regional, State and local problems.

The purpose of the amendments, herein, to the regulations governing the National School Lunch Program (7 CFR Part 210), the Special Milk Program for Children (7 CFR Part 215), the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses (7 CFR Part 220), the Special Food Service Program for Children (7 CFR Part 225), the Special Supplemental Food Program for Women, Infants and Children (7 CFR Part 246), the Donation of Foods for Use in United States, Its Territories and Possessions and Areas Under Its Jurisdiction (7 CFR Part 250), and the Food Stamp Program (7 CFR Part 270), is to (1) reflect the new administrative boundaries of the two affected FNS Regional Offices, and (2) to provide the name and address of the new FNS Regional Office.

Since the amendments are technical in nature and are nonsubstantive with respect to program requirements or benefits to the States, local entities and individuals, it is impracticable, unnecessary and not in the public interest to follow the proposed rulemaking and public participation procedure. Accordingly, the above-cited regulations are amended as follows:

[Amdt. 20]

SUBCHAPTER A—NATIONAL SCHOOL LUNCH PROGRAM

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.20, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 210.20 Program information.

(a) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(f) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services)

[Amdt. 14]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

2. In § 215.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 215.16 Program information.

(a) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(f) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services)

[Amdt. 24]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

3. In § 220.29, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 220.29 Program information.

(a) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(f) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

ment of Agriculture, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services)

[Amdt. 14]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

4. In § 225.23, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 225.23 Program information.

(a) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(f) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services)

[Amdt. 2]

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

5. In § 246.16(c), subparagraph (1) is revised and a new subparagraph (6) is added to read as follows:

§ 246.16 Miscellaneous.

(c) (1) Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: U.S. Department of Agriculture, FNS, Mid-Atlantic Region, 729 Alexander Road, Princeton, New Jersey 08540.

(6) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: U.S. Department of Agriculture, FNS, New England Region, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.557, National Archives Reference Services)

[Amdt. 30]

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

PART 250—DONATION OF FOOD FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

6. In § 250.11, the paragraph pertaining to the Northeast Region is revised and a new paragraph following the para-

graph pertaining to the Western Region is added to read as follows:

§ 250.11 Where to obtain information.

Mid-Atlantic Region, Food and Nutrition Service, USDA, 729 Alexander Road, Princeton, New Jersey 08540, for the following States: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia.

New England Region, Food and Nutrition Service, USDA, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154, for the following States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services)

[Amdt. 69]

**SUBCHAPTER C—FOOD STAMP PROGRAM
PART 270—GENERAL INFORMATION
AND DEFINITIONS**

7. In § 270.5(b), subparagraph (1) is revised and a new subparagraph (6) is added to read as follows:

§ 270.5 Miscellaneous provisions.

(b) * * *

(1) For project areas in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 729 Alexander Road, Princeton, New Jersey 08540.

(6) For project areas in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.551, National Archives Reference Services)

Effective date. These amendments shall become effective on September 1, 1975.

Dated: September 10, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-24572 Filed 9-15-75; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

**SUBCHAPTER B—LOANS AND GRANTS
PRIMARILY FOR REAL ESTATE PURPOSES**

[FmHA Instruction 444.1]

**PART 1822—RURAL HOUSING LOANS
AND GRANTS**

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

ELIGIBILITY REQUIREMENTS; REVISION

Section 1822.4(c) of Subpart A of Part 1822 of Title 7, Code of Federal Regula-

tions (39 FR 44993) is revised to broaden eligibility requirements for section 502 Rural Housing loans to include persons admitted to the United States under indefinite parole.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is being published without prior notice of proposed rulemaking because such notice would delay the provision of needed housing to those Indochinese refugees admitted to the United States on indefinite parole and would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data, or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before October 16, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section as revised will remain effective until it is further amended.

As revised, § 1822.4(c) reads as follows:

§ 1822.4 Eligibility requirements.

(c) Be a natural person (individual) who is a citizen of the United States or resides in the United States after being legally admitted for permanent residence or on indefinite parole. Applicants other than United States citizens must provide information and verify that they are legally in the country as permanent residents or on indefinite parole. The County Supervisor must further authenticate such information through the Immigration and Naturalization Service.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR, 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This revision shall become effective on September 16, 1975.

Dated: September 10, 1975.

Inflation impact statement. (It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.)

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-24573 Filed 9-15-75; 8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY, DEPARTMENT OF DEFENSE

**PART 1808—LABOR STANDARDS FOR
FEDERALLY ASSISTED CONTRACTS**

Trainees and Apprentices

On July 21, 1975 (following notice, extended time for comments, and anal-

ysis thereof), the Department of Labor published in the FEDERAL REGISTER (40 FR 30480) amendments to 29 CFR Part 5, and a revocation of 29 CFR Part 5a, which pertains to trainees and apprentices. The principal effect is to eliminate the mandatory use of apprentices and trainees, but to permit their use under an approved plan. Included were amendments to § 5.5 "Contract provisions and related matters," and § 5.6 "Enforcement." Inasmuch as any Federally assisted construction contract which is not exempt must contain the clauses as prescribed by the Department of Labor, it is necessary to amend 32 CFR Part 1808. In addition § 1808.7 "Certification of compliance" is being amended to include the requirement prescribed in 29 CFR 5.6(a) (1) for receipt by DCPA of a certification of compliance prior to making any advance or payment after construction has begun. To date DCPA has met its responsibility in this regard through its procedural requirements. Inasmuch as the amendments are necessary in order that Part 1808 will conform to the requirements of 29 CFR Part 5, it is hereby found that notice and public comment, including advance consultation with heads of State and local governments, are unnecessary.

Part 1808 of Title 32 of the Code of Federal Regulations is amended as follows:

§ 1808.1 [Amended]

1. Section 1808.1 is amended to substitute "29 CFR Part 5" in place of "29 CFR Parts 5 and 5a," wherever appearing.

2. Paragraph (a) of § 1808.3 is revised to read as follows:

§ 1808.3 Contract award requirements.

(a) The requirement that the State include, verbatim, in each contract involving construction work in excess of \$2,000 and cause to be included, verbatim, in each subcontract thereunder, the provisions prescribed in § 1808.4 and cause to be attached the applicable wage determination decision of the Secretary of Labor.

3. Section 1808.4 is revised to read as follows:

§ 1808.4 Contract provisions.

Each contract involving construction work in excess of \$2,000 and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, in completed form, verbatim:

(a) **Minimum wages.** (1) All mechanics and laborers employed by the contractor or subcontractor in the performance of construction work hereunder will be paid unconditionally and not less than once a week and without subsequent deduction or rebate on any account, except such payroll deductions as are permitted by the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor, the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part

hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv). Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particularly weekly period, are deemed to be constructively made or incurred during such weekly period.

(2) The contracting officer of the (write in the name of the State or political subdivision) shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State through the Defense Civil Preparedness Agency to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Defense Civil Preparedness Agency to the Secretary of Labor for final determination.

(3) The contracting officer of the (write in the name of the State or political subdivision) shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Defense Civil Preparedness Agency to the Secretary of Labor for determination.

(4) If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided however*, The Secretary of Labor has found, upon the writ-

ten request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(b) *Overtime requirements.* (As used in this clause, the terms "laborers" and "mechanics" include watchmen and guards.) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of 8 hours in any calendar day or in excess of 40 hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than 1½ times his basic rate of pay for all hours worked in excess of 8 hours in any such calendar day or in excess of 40 hours in any such workweek, as the case may be.

(c) *Violations; liability for unpaid wages; liquidated damages.* In the event of any violation of Paragraph (a) or (b) of this section the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, in the event of any violation of paragraph (b) of this section, such contractor and subcontractor shall be liable to the United States (in the case of work under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic (including watchmen and guards) employed in violation of paragraph (b) of this section, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (b) of this section.

(d) *Withholding for liquidated damages and unpaid wages.* The (write in the name of the State or political subdivision) may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in paragraph (c) of this section. In the event of failure to pay any laborer or mechanic, including apprentices and trainees, employed by the contractor or subcontractor in the performance of construction work hereunder, all or part of the wages required by the contract, the (write in the name of the State or political subdivision) may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance or guarantee of funds until such violations have ceased.

(e) *Payrolls and basic records.* (1) Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of

3 years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5a(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(2) The contractor will submit weekly a copy of all payrolls to the (write in the name of the State or political subdivision) accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "weekly Statement of Compliance" which is required under this contract and the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under 29 CFR 5.5(a)(1)(iv) shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the (write in the name of the State and the political subdivision, if any); the Defense Civil Preparedness Agency; and the Department of Labor; and will permit such representatives to interview employees during working hours on the job. Contractors employing apprentices or trainees under approved programs shall include a notation on the first weekly certified payrolls submitted to the contracting State (or political subdivision, as applicable) that their employment is pursuant to an approved program and shall identify the program.

(f) *Apprentices and trainees.* (1) *Apprentices.* Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of proba-

tionary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in paragraph (f) (2) of this section or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the contracting officer or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

(2) *Trainees.* Except as provided in 29 CFR 5.15, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification, by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish the contracting officer or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(3) *Equal employment opportunity.* The utilization of apprentices, trainees and journeymen under this part shall be

in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(g) *Compliance with Copeland Regulations (29 CFR Part 3).* The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

(h) *Ineligible bidders.* The contractor herein certifies as a condition of the contract that he is not listed on the Comptroller General's list of ineligible bidders published pursuant to regulations issued by the Secretary of Labor (29 CFR Part 5) and the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.). This certification shall constitute a warranty, the falsity of which will render void this contract or subcontract, as the case may be.

(i) *Subcontracts.* The contractor will insert in any subcontracts in paragraphs (a) through (h) and (j) of this section and such other clauses as the Defense Civil Preparedness Agency may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(j) *Contract termination; debarment.* A breach of any of paragraphs (a) through (i) of this section may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

4. Section 1808.5 is revised to read as follows:

§ 1808.5 Examination of payrolls.

(a) In cases where the contract involves construction work in excess of \$2,000, a certified copy of all payrolls and statements required to be submitted under the contract provisions prescribed in § 1808.4, shall be checked by the State (or political subdivision, as applicable) against the applicable wage determination decision of the Secretary of Labor to verify labor standards compliance and to ascertain the following:

(1) That the rates paid to various classifications of employees are in conformity with the applicable wage determination decision.

(2) That each classification shown in the payrolls is a classification for which a rate was predetermined in the applicable wage determination decision.

(3) That there are included in the payrolls those classifications of workers who would logically perform the work performed during the weeks in question.

(4) That there is no disproportionate employment of laborers, helpers, apprentices or trainees.

(b) Unless transferred to the Defense Civil Preparedness Agency, the payrolls and statements shall be preserved by the State (or political subdivision, as applicable) for a period of three years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during the three-year period.

5. Paragraph (a) (2) of § 1808.6 is revised to read as follows:

§ 1808.6 Compliance.

(a) * * *

(2) Examining evidence of registration and certification with respect to apprenticeship and training plans to determine the correctness of classifications and any disproportionate employment of laborers, helpers, apprentices or trainees.

6. Section 1808.7 is revised to read as follows:

§ 1808.7 Certification of compliance.

(a) After the beginning of construction (under a contract involving construction in excess of \$2,000), no payment or advance to the contracting State (or where applicable, to the contracting political subdivision) shall be approved by the Defense Civil Preparedness Agency unless and until it has received a certification by the contractor that his contract and those of his subcontractors contain the provisions prescribed in § 1808.4 and that he and his subcontractors have complied therewith, or that there is a substantial dispute with respect to the required provisions.

(b) Before making final payment on any contract involving construction work in excess of \$2,000, the State (or political subdivision, as applicable) shall submit to the Defense Civil Preparedness Agency the following certification, verbatim, in completed form:

CERTIFICATE OF LABOR STANDARDS COMPLIANCE

Knowing that my statements will be relied upon by the Defense Civil Preparedness Agency, in its payment to the State under an approved project application for a Federal financial contribution under section 201(f) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281) I do hereby certify as follows:

1. That I am the Contracting Officer of _____ (write in the name of the political subdivision and/or State, as applicable), applicant under Defense Civil Preparedness Agency, Project Application No. _____

2. That in my official capacity I have personally, or through authorized employee(s) of the above named applicant for purposes of this certification, completed the following: (i) Examinations of all contracts involving construction work in excess of \$2,000 on the civil defense project covered by the aforementioned project application, and all subcontracts thereunder; (ii) examinations of all payrolls and statements required to be submitted under such contracts and comparison with the applicable wage determination decision of the Secretary of Labor as required by § 1808.5 of Chapter XVIII, Title 32 of the Code of Federal Regulations; and (iii) investigations of all indications of alleged labor standards violations including, without limitation, at least one "on the site" labor standards check, and other investigations as required by § 1808.6 of Chapter XVIII, Title 32 of the Code of Federal Regulations.

3. That, based upon the aforementioned examinations and investigations, I have determined that: (i) the labor standards provisions have been included and the applicable wage determination decision has been attached, all as a part of the conditions of each contract involving construction work in excess of \$2,000 and all subcontracts there-

under as required by § 1808.4 of Chapter XVIII, Title 32 of the Code of Federal Regulations; and (ii) the contractor and all subcontractors were in compliance, or have come into compliance, with the labor standards provisions, wage determination decision and Copeland Regulations (29 CFR Part 3) except _____ (List names of all contractors not in compliance or if no exceptions, state "none") and § _____ restitution is due to the employees of the listed contractor and/or subcontractors (set forth the amount or "none," in accordance with the facts).

(LS)
(Name of Contracting Officer)
(Name of State or political subdivision)
(Dated)

(50 U.S.C. App. 2251-2297; E.O. 10952, 26 FR 6577; DoD Dir. 5105.43, 37 FR 18636)

(Catalog of Federal Domestic Assistance Programs: No. 12.305, Civil Defense—Emergency Operating Centers; No. 12.315, Civil Defense—Personnel and Administrative Expenses; No. 12.321, Civil Defense—State and Local Supporting Systems Equipment)

Effective date. This amendment is effective August 20, 1975.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

AUGUST 29, 1975.

[FR Doc. 75-24508 Filed 9-15-75; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

Payment of Indemnities

Correction

In FR Doc. 75-23305, appearing at page 40505 in the issue of Wednesday, September 3, 1975, in the first column of page 40506, in § 54.7, under paragraph (a), the third line should read as follows: "destroyed under this part only after obtain—"

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-12-AD, Amdt. 39-2369]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement, as necessary, of worm and worm gears in the trailing edge flap drive power unit on Boeing 737 series airplanes certificated in all categories, was published in 40 FR 23769.

Interested persons have been afforded an opportunity to participate in the mak-

ing of the amendment. One comment noted that the service experience of the unmodified units did not indicate a need for more stringent inspections than for modified units. However, the service history indicates different problems for the modified units as compared with the unmodified units. On the unmodified assemblies, alloying elements separate from the worm gear, and the worm wears excessively, while on the modified assemblies, excessive wear has occurred to the worm gear. Further, the unmodified units are known to fail earlier in service life than those which have been modified. Therefore, the FAA believes that separate inspection intervals are necessary and has so specified in the AD. Another comment was that repetitive inspections should be based on individual airlines' experience with their maintenance and lubrication program. The FAA agrees. The AD provides for this in paragraph G by allowing greater inspection intervals for operators who can prove that their experience is unique.

Another comment was that equivalent inspection methods and adjustment of repetitive inspection intervals should be delegated to FAA principal maintenance inspectors. The FAA does not agree. The analysis of inspection methods and inspection intervals is an engineering responsibility. Decisions regarding them must be made by the FAA aircraft engineering disciplines and cannot be turned over to the maintenance inspectors. Another comment requested that the initial inspection time in paragraph A be changed from 500 to 750 landings. The FAA concurs, and the change has been made.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes, Line Nos. 1 through 299 inclusive, certificated in all categories. Compliance required as indicated unless already accomplished.

To prevent unwanted trailing edge flap retraction and leading edge flap extension, accomplish the following:

A. Airplane Line Nos. 1 through 270 with flap power unit assemblies not modified in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, Part II, or later FAA approved revisions, within the next 750 landings, unless accomplished within the last 250 landings, and at times thereafter not to exceed 1,000 landings, inspect the flap power unit in accordance with paragraph C.

B. Airplane Line Nos. 270 through 299, or those earlier aircraft with flap power unit assemblies modified per Boeing Service Bulletin 737-27-1041, Revision 4, Part II, or later FAA approved revisions, within the next 750 landings, unless inspected within the last 750 landings, inspect in accordance with paragraph D.

C. Inspect the worm teeth in the flap power unit for wear in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, or later FAA approved revisions, in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Flap power unit assemblies with worm teeth

worn beyond the limits prescribed in the service bulletin, must be modified prior to further flight in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, Part II, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repetitive inspections for modified units are to be made in accordance with paragraph E.

D. 1. Inspect the worm gear for wear in accordance with either inspection procedure in Boeing Service Bulletin 737-27-1076, Revision I, Part III, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repetitive inspections are to be accomplished at intervals specified in either Method I or Method II of paragraph B, Part III, of the service bulletin, but not to exceed 5,000 landings for Method I or 3,000 landings for Method II.

2. Flap power unit assemblies with worm gears worn beyond the limits specified in the service bulletin are to be replaced with new parts prior to further flight.

E. Flap power units repaired in accordance with paragraph C or D must be inspected during 1400-1600 landings after new parts are installed, in accordance with paragraph D1 above, and thereafter comply with paragraph D.

F. When terminating action for this directive has been developed, this directive will be amended accordingly.

G. Upon request by an operator, through an appropriate FAA maintenance inspector, subject to approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection period herein may be adjusted for that operator if the request contains adequate substantiating data to justify the increase.

H. For the purposes of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings on the flap power unit worm gear may be determined by actual count or by dividing each airplane's hours time in service since the flap power drive unit was installed, by the operator's fleet average time from takeoff to landing for the airplane type.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, PO Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective October 27, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., September 8, 1975.

J. H. TANNER,
Acting Director,
Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 75-24515 Filed 9-15-75; 8:46 am]

[Airworthiness Docket No. 74-WE-52-AD; Amdt. 39-2367]

PART 39—AIRWORTHINESS DIRECTIVES **Certain AirResearch Model TPE331-1, -2, -3, -5, and -6 Series Engines**

Amendment 39-2054 (39 FR 44439), AD 74-26-11, as amended by Amendments 39-2092 (40 FR 6771), 39-2214 (40 FR 22126) and 39-2254 (40 FR 28605) requires inspection and modification to the oil supply system for the high speed pinion gear bearing assembly. This action is required because of several failures that have occurred in the oil supply tube which can result in failure of the high speed pinion gear bearings.

After Issuing Amendment 39-2254, the agency determined that the manufacturer had omitted several specific engine serial numbers from the list of affected engines. Therefore, the AD is being further amended to include these engines.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulation, Amendment 39-2054, (39 FR 44439), AD 74-26-11 as amended by Amendments 39-2092 (40 FR 6771), 39-2214 (40 FR 22126), and 39-2254 (40 FR 28605) is further amended by amending paragraph (2), in pertinent part, at lines 6 and 7, to read:

(2) * * * TPE331-5-251C S/N 22058 through 22119; TPE331-5-215K S/N 06443, 06455 through 06556; * * *

This amendment becomes effective September 22, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on September 5, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-24513 Filed 9-15-75; 8:45 am]

[Airworthiness Docket No. 75-WE-47-AD, Amdt. 39-2368]

PART 39—AIRWORTHINESS DIRECTIVES **Hughes 269 Series Helicopters**

There have been numerous instances of corrosion and one fracture of the fiberglass tail rotor blades on Hughes Model 269 series helicopters. In addition, heat treatment documentation is questionable for certain serial number blades. Although no fracture of these blades has been reported verification of the blade hardness is necessary to establish that the proper heat treatment has been performed. Fracture of a tail rotor blade will result in hazardous degradation of control of the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require inspection, repair and replacement of these tail rotor blades on Hughes Model 269 series helicopters. The manufacturer has developed FAA-approved procedures in a service bulletin.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS. Applies to Hughes Model 269A, 269A-1, 269B, 269C helicopters certificated in all categories, including military TH-55A equipped with fiberglass tail rotor blades P/N 269A6124, 269A6124-9, 269A6035, 269A6035-9, 269A6035-17, 269A6035-19, 269A6035-M, 269ASK15, and 269-6100.

Compliance required as indicated. To detect possible corrosion, cracks, improper heat treatment, or other defects, inspect by visual, X-ray, or other specified means, the affected tail rotor blades and replace or rework in accordance with the instructions specified in Hughes Service Information Notice (SIN) No. N-130, dated August 28, 1975, or later FAA-approved revisions, as follows:

A. For blades with 500 or more hours time in service on the effective date of this AD, perform the visual and X-ray inspection, corrosion removal, casting procedure, metal treatment procedure, corrosion protection procedure, and fiberglass inspection—repair/spar exterior inspection procedure, set forth at Parts I through VIII of the Hughes SIN, referenced above, within the next 100 hours additional time in service or within six calendar months from the effective date of the AD, whichever occurs first, unless already accomplished.

B. For blades with less than 500 hours time in service on the effective date of this AD, perform the visual and X-ray inspections, corrosion removal, casting procedures, metal treatment procedure, corrosion protection procedure, and fiberglass inspection—repair/spar exterior inspection procedure, set forth at Parts I through VIII of the Hughes SIN, referenced above, prior to accumulating 600 hours total time in service or within six calendar months from the effective date of this AD, whichever occurs first, unless already accomplished.

C. For blades, P/N 269A6035-17 and 269A6035-19, with serial numbers listed at Part XI—Table 1, of the Hughes SIN, referenced above, perform the Rockwell hardness test in accordance with Part XI of the Hughes SIN within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

D. After the effective date of this AD, perform the inspections and procedures described in Parts I through VIII of the Hughes SIN, referenced above, prior to the installation of spare blades or rotors on the aircraft.

E. After the effective date of this AD, for spare blades or rotors with blade P/N 269A6035-17 and 269A6035-19, with serial numbers listed at Part XI—Table 1 of the Hughes SIN, referenced above, perform the Rockwell hardness test in accordance with

Part XI of the Hughes SIN prior to installation on the aircraft.

F. After the effective date of this AD, for all blades, perform the visual and X-ray inspections described at Part X of the Hughes SIN, referenced above, at intervals not to exceed 12 calendar months from the last inspection.

G. After the effective date of this AD, repair or rework eligible blades as specified in the Hughes SIN, referenced above, as necessary, prior to further flight. Reinstall blades in accordance with Part IX of the Hughes SIN. Blades that exceed limits specified in the Hughes SIN and are therefore not repairable, must be marked in a conspicuous manner or destroyed so as to prevent inadvertent return to service.

H. Paragraphs A, B, and D, above, do not have to be accomplished on blades marked with a green dot or white dot per the Preface, Hughes SIN. After the effective date of this AD, perform the visual and X-ray inspections for corrosion described at Part X of the Hughes SIN, referenced above, within twelve months after putting the blades into service, and at intervals not to exceed twelve months thereafter.

I. Equivalent inspections and rework may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

J. Aircraft may be flown to a base for performance of the inspections and repairs or rework required by Paragraphs A, B, and C, above, of this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective September 22, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on September 5, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-24514 Filed 9-15-75; 8:45 am]

[Docket No. 75-NE-35; Amdt. 39-2365]

PART 39—AIRWORTHINESS DIRECTIVE **General Electric Company Aircraft Engines**

There have been failures of accessory drive horizontal drive shafts on General Electric Model CJ610 and Model CF700 engines due to excessive spline wear caused by misalignment between the transfer and accessory gearboxes. These failures have caused inflight engine shut-downs. Engines affected are those which have had the gearbox alignment adjusted using alignment tool P/N 2C5525 which was introduced into service on January 1, 1973. Since this condition is likely to exist in other engines of the same models, an airworthiness directive is being issued to require the inspection of the horizontal drive shaft for proper alignment and spline wear.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by add-

ing the following new airworthiness directive:

GENERAL ELECTRIC COMPANY. Applies to General Electric Company Models CJ610-9 turbojet and CF700-2C, CF700-2D, and CF700-2D-2 turbofan engines which had the gearbox and accessory drive horizontal drive shaft P/N 37C301951P102 aligned with alignment tool P/N 2C5525 within the last 500 hours time in service as of the effective date of this AD.

Compliance required within the next 100 hours time in service after the effective date of this AD, unless previously accomplished.

To prevent possible accessory drive horizontal drive shaft failure, leading to complete loss of engine power, inspect the horizontal drive shaft for alignment and spline wear, in accordance with General Electric Service Bulletin No. (CJ610) A72-117 or (CF700) A72-130 or later FAA approved revision or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, New England Region, Federal Aviation Administration. Remove worn horizontal drive shafts and mating female splined components and replace with serviceable parts in accordance with General Electric Alert Service Bulletin No. (CJ610) A72-117 or (CF700) A72-130 or later FAA approved revision.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of Chief, Engineering and Manufacturing Branch, FAA New England Region, may adjust the compliance time specified in the AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

General Electric Company Service Bulletins identified in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these Service Bulletins from General Electric Company may receive copies upon request to General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910. These documents may also be examined at the New England Region, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA headquarters, 800 Independence Avenue S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the New England Regional office in Burlington, Massachusetts.

This amendment becomes effective September 26, 1975.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on September 4, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-24649 Filed 9-15-75; 8:45 am]

[Airspace Docket No. 75-80-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Blue Federal Airway

On July 21, 1975, a notice of proposed rulemaking (NPRM) was published in

the Federal Register (40 FR 30495) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke B-19.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received. However, the Metropolitan Dade County, Florida, Aviation Department commented that the Perrine NDB is significant to Dade County Aviation because the only instrument approach procedure to New Tamiami Airport is based on this NDB. Therefore, they indicated that their concurrence to the revocation of B-19 was predicated on continued operation of the Perrine NDB. The Perrine NDB will continue to operate as an instrument approach aid for the New Tamiami Airport but at a relocated site near the airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.109 (40 FR 306) B-19 is revoked.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, (49 U.S.C. 1348(a), 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655 (c))

Issued in Washington, D.C., on September 9, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.75-24516 Filed 9-15-75; 8:45 am]

[Airspace Docket No. 75-WE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 1, 1975 a notice of proposed rulemaking was published in the Federal Register (40 FR 32346) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Firebaugh Airport, Firebaugh, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 30, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on September 8, 1975.

LYNN L. HINK,
Acting Director,
Western Region.

In § 71.181 (40 FR 441) the following transition area is added:

FIREBAUGH, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Firebaugh Airport (latitude 36°51'36" N., longitude 120°27'49" W.) and within 3 miles each side of the Los Banos VORTAC 060° radial, extending from the 3-mile-radius area to 15 miles NE of the VORTAC.

[FR Doc.75-24517 Filed 9-15-75; 8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS (Regulation SPR-87, Amdt. 11)

PART 372a—TRAVEL GROUP CHARTERS

Technical Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 11, 1975.

By SPR-61, the Board adopted the Travel Group Charter (TGC) rule, which includes provisions requiring the TGC organizer to make security arrangements for the protection of participants' advance payments. These provisions, which were patterned after the security provisions applicable to operators of Inclusive Tour Charters (ITC's), give the TGC organizers the option of making arrangements for either a surety bond only (§ 372a.25(a)) or a surety bond combined with an escrow under a depository agreement with a bank (§ 372a.25(b)). When the surety-escrow arrangement is used, § 372a.25(b) permits the TGC organizer to be paid his service charge out of the escrowed funds only after the TGC has been fully performed, i.e., after the return flight of the round-trip charter has been completed. This limitation on the pay-out of escrowed funds to the TGC organizer makes no distinction between TGC's which include a "land package" and those which do not.

By its petition filed on May 28, 1975, the Council on International Educational Exchange (CIEE) has requested that § 372a.25(b) be amended so as to provide that, where a TGC covers air transportation only—as distinguished from a TGC which includes a "land package"—the escrow bank would be allowed to pay the TGC organizer the balance of the escrow account two days after the departure of the originating flight, without awaiting performance of the return flight. CIEE notes that with respect to TGC's for air transportation only, the organizer's obligations are completed in full upon payment of the charter price to the direct carriers performing the outbound and returning flights, since there are no other services for which the TGC participants have paid. CIEE argues that, in such cases, there is no regulatory purpose to be served by withholding the TGC organizer's earned service charges during a pe-

¹ Dated September 27, 1973, 37 F.R. 20808, October 4, 1972, Docket 27889.

riod when he no longer has any remaining obligations to the TGC participants. No answers to the petition have been filed.

Upon consideration, we are persuaded that CIEE's point is well taken and that we should grant its petition. We have therefore determined to adopt the amendment requested by CIEE.

Since the within amendment to § 372a.25(b)(2)(vii) is of a technical nature and relieves TGC organizers from an unnecessary burden with respect to TGC's which cover only air transportation, the Board finds that notice and public procedure hereon are unnecessary and would not be in the public interest, and that the amendment may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a), effective September 11, 1975, as follows:

Amend § 372a.25 to read as follows:

§ 372a.25 Surety bond and depository agreement.

(b) In lieu of furnishing a surety bond . . .

(2) A copy of an agreement . . .

(vii) Except as provided in subdivisions (ii), (iii), and (vi) of this subparagraph, the bank shall not pay out any funds from the account prior to two banking days after completion of each charter, when the balance in the account shall be paid to the charter organizer, upon certification of the completion date by the direct air carrier performing the return flight: *Provided, however*, That if the charter involves air transportation only and the bank has paid the direct air carrier(s) the charter price for the originating and returning flights and has paid all refunds due to participants, as provided in subdivisions (ii) and (iii), respectively, of this subparagraph, then the Bank may pay the balance in the account to the charter organizer upon certification by the direct air carrier performing the originating flight that such flight has in fact departed.

(Section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, as amended, 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

Adopted: September 11, 1975.

Effective: September 11, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-24604 Filed 9-15-75; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2691]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Austral Oil Company, Inc.

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of Austral Oil Company, Inc., a corporation.

Consent order requiring a Houston, Texas, energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Dixilyn Corporation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: *

ORDER

I. It is ordered, That Austral Oil Company, Inc. (Austral), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Dixilyn Corporation.

II. It is further ordered, That Austral shall, within thirty (30) days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Austral controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this order, Austral shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is

* Copies of the Complaint, Decision and Order, filed with the original document.

being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service of this order, Austral shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Austral by virtue of its business and location of operation in the exploration, production or sale of crude petroleum or natural gas. If compliance with Paragraphs I and IV requires any member of Austral's Board of Directors to resign or to be removed from the Board of Directors of either Austral or such other corporation, Austral shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this order.

V. It is further ordered, That Austral notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent Austral shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Austral pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-24630 Filed 9-15-75; 8:45 am]

[Docket C-2690]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Dixilyn Corporation

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of Dixilyn Corporation, a corporation.

Consent order requiring a Houston, Texas, energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Austral Oil Company, Inc.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: ¹

ORDER

I. It is ordered, That Dixilyn Corporation (Dixilyn), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Austral Oil Company.

II. It is further ordered, That Dixilyn shall, within thirty (30) days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Dixilyn controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than \$1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this order, Dixilyn shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service of this order, Dixilyn shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Dixilyn by virtue of its business and location of operation in the exploration, production or sale of crude petroleum or

natural gas. If compliance with Paragraphs I and IV requires any member of Dixilyn's Board of Directors to resign or to be removed from the Board of Directors of either Dixilyn or such other corporation, Dixilyn shall be allowed a reasonable time within which to take any legal or other steps which are necessary to secure compliance with this order.

V. It is further ordered, That Dixilyn notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent Dixilyn shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Dixilyn pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TORIN,
Secretary.

[FR Doc.75-24631 Filed 9-15-75; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER 8—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 03, which indicates that several lots in the subdivision called Oak Park in Overland Park, Kansas, as recorded in Plat Book 36, Page 10, in the Office of the Register of Deeds of Johnson County, Kansas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Blocks 47 through 55, and Lots 1 through 9 and 11 through 15 of Block 56, Oak Park Subdivision, are not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.75-24624 Filed 9-15-75; 8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 07, which indicates that Lot 26, Block 10, Sylvan Grove, Overland Park, Kansas, as recorded in Book 27, Page 38, in the office of the Register of Deeds of Johnson County, Kansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.75-24625 Filed 9-15-75; 8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX [INCOME TAX REGULATIONS]

[T.D. 7376]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Increase in Minimum Accumulated Earnings Credit

This document amends the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations (other

¹ Copies of the Complaint, Decision and Order, filed with the original document.

than the regulations under section 1561 (a) to section 304 of the Tax Reduction Act of 1975 (89 Stat. 45). Section 304(a) of the Act amends section 535(c) (2) and (3) of the Internal Revenue Code of 1954 by increasing the minimum accumulated earnings credit from \$100,000 to \$150,000. Section 304(b) of the Act amends sections 243(b), 1551(a) and 1561(a) of the Code to conform these provisions to the increase in the minimum accumulated earnings credit. The amendments apply to taxable years beginning after December 31, 1974.

Because the amendments to the regulations adopted by this Treasury decision are clerical in nature and no taxpayer will be adversely affected by such amendments, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. § 553(b), or subject to the effective date limitation of 5 U.S.C. § 553(d).

In order to conform the Income Tax Regulations under sections 535(c) (2) and (3), 243(b), and 1551(a) of the Code to section 304 of the Tax Reduction Act of 1975 (89 Stat. 45), such regulations are hereby amended, effective for taxable years beginning after December 31, 1974, as follows.

PARAGRAPH 1. Section 1.535 is amended by revising paragraphs (2) and (3) of subsection (c) to read as follows:

§ 1.535 Statutory provisions; accumulated taxable income.

Sec. 535. Accumulated taxable income. * * *

(c) Accumulated earnings credit. * * *

(2) Minimum credit. The credit allowable under paragraph (1) shall in no case be less than the amount by which \$150,000 exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year.

(3) Holding and investment companies. In the case of a corporation which is a mere holding or investment company, the accumulated earnings credit is the amount (if any) by which \$150,000 exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year.

PAR. 2. Section 1.535-3 is amended by revising subparagraphs (2) and (3) of paragraph (b) and by revising paragraph (c) to read as follows:

§ 1.535-3 Accumulated earnings credit.

(b) Corporation which is not a mere holding or investment company. * * *

(2) Minimum credit. Section 535(c) (2) provides for the allowance of a minimum accumulated earnings credit in the case of a corporation which is not a mere holding or investment company. Except as otherwise provided in section 243(b) (3) and § 1.243-5 (relating to effect of 100-percent dividends received deduction under section 243(b)) and sections 1561,

1562, and 1564 (relating to limitations on certain tax benefits in the case of certain controlled corporations), in the case of such a corporation, this minimum credit shall in no case be less than the amount by which \$150,000 (\$100,000 in the case of taxable years beginning before January 1, 1975) exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. See paragraph (d) of this section for the effect of dividends paid after the close of the taxable year in determining accumulated earnings and profits at the close of the preceding taxable year. In determining the amount of the minimum credit allowable under section 535(c) (2), the needs of the business are not taken into consideration. If the taxpayer has accumulated earnings and profits at the close of the preceding taxable year equal to or in excess of \$150,000 (\$100,000 in the case of taxable years beginning before January 1, 1975), the credit, if any, is determined without regard to section 535(c) (2). It is not intended that the provision for the minimum credit shall in any way create an inference that an accumulation in excess of \$150,000 (\$100,000 in the case of taxable years beginning before January 1, 1975) is unreasonable. The reasonable needs of the business may require the accumulation of more or less than \$150,000 (\$100,000 in the case of taxable years beginning before January 1, 1975), depending upon the circumstances in the case, but such needs shall not be taken into consideration to any extent in cases where the minimum accumulated earnings credit is applicable. For a discussion of the reasonable needs of the business, see section 537 and §§ 1.537-1, 1.537-2, and 1.537-3.

(3) Illustrations of accumulated earnings credit. The computation of the accumulated earnings credit provided by section 535(c) may be illustrated by the following examples:

Example (1). The X Corporation, which is not a mere holding or investment company, has accumulated earnings and profits in the amount of \$125,000 as of December 31, 1974. Thus, the minimum credit provided by section 535(c) (2) exceeds the accumulated earnings and profits of X by \$25,000. It has earnings and profits for the taxable year ended December 31, 1975, in the amount of \$100,000 and has a dividends paid deduction under section 561 in the amount of \$30,000 so that the earnings and profits for the taxable year which are retained in the business amount to \$70,000. Assume that it has been determined that the earnings and profits for the taxable year which may be retained for the reasonable needs of the business amount to \$55,000 and that a deduction has been allowed under section 535(b) (6) in the amount of \$5,000. Since the amount by which \$150,000 exceeds that accumulated earnings and profits at the close of the preceding taxable year is less than \$50,000 (\$55,000 - \$5,000), the minimum credit provided by section 535(c) (2) will not apply and the accumulated earnings credit must be computed under section 535(c) (1) on the basis of the reasonable needs of the business. In this case, the accumulated earnings credit for the taxable year ended December 31, 1975, will be \$50,000 computed as follows:

Earnings and profits of the taxable year determined to be retained for the reasonable needs of the business	\$55,000
Less: The deduction for long-term capital gains (less applicable tax) allowed under sec. 535(b) (6)	5,000
Accumulated earnings credit allowable under sec. 535(c) (1)	50,000

Example (2). The Z Corporation which is not a mere holding or investment company, has accumulated earnings and profits in the amount of \$45,000 as of December 31, 1974; it has earnings and profits for the taxable year ended December 31, 1975, in the amount of \$115,000 and has a dividends paid deduction under section 561 in the amount of \$10,000, so that the earnings and profits for the taxable year which are retained amount to \$105,000. Assume that it has been determined that the accumulated earnings and profits of the taxable year which may be retained for the reasonable needs of the business amount to \$20,000 and that no deduction is allowable for long-term capital gains under section 535(b) (6). The accumulated earnings credit allowable under section 535(c) (1) on the basis of the reasonable needs of the business is determined to be only \$20,000. However, since the amount by which \$150,000 exceeds the accumulated earnings and profits at the close of the preceding taxable year is more than \$20,000, the minimum accumulated earnings credit provided by section 535(c) (2) is applicable. The allowable credit will be the amount by which \$150,000 exceeds the accumulated earnings and profits at the close of the preceding taxable year (i.e., \$105,000 less \$45,000 of accumulated earnings and profits at the close of the preceding taxable year).

(c) Holding and investment companies. Section 535(c) (3) provides that, in the case of a mere holding or investment company, the accumulated earnings credit shall be the amount, if any, by which \$150,000 (\$100,000 in the case of taxable years beginning before January 1, 1975) exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. Thus, if such a corporation has accumulated earnings equal to or in excess of \$150,000 (\$100,000 in the case of taxable years beginning before January 1, 1975) at the close of its preceding taxable year, no accumulated earnings credit is allowable in computing the accumulated taxable income. See paragraph (c) of § 1.533-1 for a definition of a holding or investment company. For the accumulated earnings credit of a mere holding or investment company which is a member of an affiliated group which has elected the 100-percent dividends received deduction under section 243(b), see section 243(b) (3) and § 1.243-5. For the accumulated earnings credit of a mere holding or investment company which is a component member of a controlled group of corporations (as defined in section 1563), see section 1564.

PAR. 3. Section 1.243 is amended by revising paragraph (3) (C) (i) of subsection (b) to read as follows:

§ 1.243 Statutory provisions; dividends received by corporations.

Sec. 243. Dividends received by corporations. * * *

- (b) *Qualifying dividends.* * * *
- (3) *Effect of election.* * * *
- (C) The members of such affiliated group shall be limited to one—
- (i) \$150,000 minimum accumulated earnings credit under section 535(c) (2) or (3).

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (72 Stat. 1645); secs. 3(a) and 10(g), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 998, 1009); sec. 214(a), Rev. Act 1964 (78 Stat. 52); sec. 304, Tax Reduction Act 1975 (89 Stat. 45)]

PAR. Section 1.234-5 is amended by revising subparagraph (2) of paragraph (d) to read as follows:

§ 1.243-5 Effect of election.

(d) *Other restrictions and limitations.*

(2) *Accumulated earnings credit.*—(i) *General.* Except as provided in subdivision (ii) of this subparagraph, in determining the minimum accumulated earnings credit under section 535(c) (2) (or the accumulated earnings credit of a mere holding or investment company under section 535(c) (3)) for each corporation which is a member of the affiliated group on each day of its matching taxable year, in lieu of the \$150,000 amount (\$100,000 amount in the case of taxable years beginning before January 1, 1975) mentioned in such sections there shall be substituted an amount equal to (a) \$150,000 (\$100,000 in the case of taxable years beginning before January 1, 1975), divided by (b) the number of such members.

(ii) *Allocation of excess.* If, with respect to one or more members, the amount determined under subdivision (i) of this subparagraph exceeds the sum of (a) such member's accumulated earnings and profits as of the close of the preceding taxable year, plus (b) such member's earnings and profits for the taxable year which are retained (within the meaning of section 535(c) (1)), then any such excess shall be subtracted from the amount determined under subdivision (i) of this subparagraph and shall be divided equally among those remaining members of the affiliated group that do not have such an excess (until no such excess remains to be divided among those remaining members that have not had such an excess). The excess so divided among such remaining members shall be added to the amount determined under subdivision (i) with respect to such members.

(iii) *Apportionment plan not allowed.* An affiliated group may not adopt an apportionment plan, as provided in paragraph (f) of this section, with respect to the amounts computed under the provisions of this subparagraph.

(iv) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. An affiliated group is composed of four member corporations, W, X, Y, and Z. The sum of the accumulated earnings and profits (as of the close of the preceding taxable year ending December 31, 1975) plus the

earnings and profits for the taxable year ending December 31, 1976 which are retained is \$15,000, \$75,000, \$37,500, and \$300,000 in the case of W, X, Y, and Z, respectively. The

amounts determined under this subparagraph for W, X, Y, and Z are \$15,000, \$48,750, \$37,500 and \$48,750, respectively, computed as follows:

	Component members			
	W	X	Y	Z
Earnings and profits	\$15,000	\$75,000	\$37,500	\$300,000
Amount computed under subpar. (i)	37,500	37,500	37,500	37,500
Excess	22,500	0	0	0
Allocation of excess		7,500	7,500	7,500
New excess			7,500	
Reallocation of new excess		3,750		3,750
Amount to be used for purposes of sec. 535(c) (2) and (3)	15,000	48,750	37,500	48,750

PAR. 5. Section 1.1551 is amended by revising the flush material following subsection (a) (3) to read as follows:

§ 1.1551 Statutory provisions; disallowance of surtax exemption and accumulated earnings credit.

Sec. 1551. *Disallowance of surtax exemption and accumulated earnings credit.*—(a) *In general.* * * *

(3) * * * and the transferee corporation was created for the purpose of acquiring such property or was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferors are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then for such taxable year of such transferee corporation the Secretary or his delegate may (except as may be otherwise determined under subsection (d)) [sic] disallow the surtax exemption (as defined in section 11(d), or the \$150,000 accumulated earnings credit provided in paragraph (2) and (3) of section 535(c), unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer.

[Sec. 1551 as amended by sec. 205(a), Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 235(b), Rev. Act 1964 (78 Stat. 125); sec. 304, Tax Reduction Act 1975 (89 Stat. 45)]

PAR. 6. Section 1.1551-1 is amended by revising the flush material following paragraph (a) (3) to read as follows:

§ 1.1551-1 Disallowance of surtax exemption and accumulated earnings credit.

(a) *In general.* * * *

(3) * * * and the transferee was created for the purpose of acquiring such property or was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferors are in control of the transferee during any part of the taxable year of the transferee, then for such taxable year of the transferee the Secretary or his delegate may disallow the surtax exemption defined in section 11(d) or the accumulated earnings credit of \$150,000 (\$100,000 in the case of taxable years beginning before January 1, 1975) provided in paragraph (2) or (3) of section 535(c), unless the transferee establishes by the clear preponderance of the evidence that the securing of such exemption or

credit was not a major purpose of the transfer.

(This Treasury decision is issued under the authority contained in Sec. 7805 Internal Revenue Code of 1954 (68A Stat. 917; 28 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 10, 1975.

CHARLES M. WALKER,
Assistant Secretary
of the Treasury.

[FR Doc. 75-24643 Filed 9-15-75; 8:45 am]

Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE
[Order No. 623-75]

PART 0—ORGANIZATION OF THE
DEPARTMENT OF JUSTICE

Miscellaneous Amendments Altering Organizational Structure and Relationships Within the Department of Justice

This order alters the name of the Office of Justice Policy and Planning, and moves it from the Office of the Deputy Attorney General to the Office of the Attorney General. It also alters certain organizational relationships within the Department of Justice, to place under the immediate direction of the Attorney General the following components which have hitherto been supervised by him through the Deputy Attorney General: the Office of Public Information, the Office of Legal Counsel, the Office of Legislative Affairs, and the Federal Bureau of Investigation. These changes are designed to simplify the management and operation of the Department.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.1 [Amended]

1. Section 0.1 of Subpart A is amended by substituting "Office of Policy and Planning" for "Office of Justice Policy and Planning."

2. A new § 0.6 of Subpart B is added immediately after § 0.5, to read as follows:

§ 0.6 Office of Policy and Planning.

The Office of Policy and Planning is headed by a Director of Policy and Plan-

ning. Under the general supervision and direction of the Attorney General, the Director of Policy and Planning shall:

(a) Provide an overview of problems in the criminal justice system.

(b) Initiate, implement and evaluate proposals—

(1) To improve the effectiveness and the fairness of crime control and criminal justice administration; and

(2) To promote consistency and coordination in the handling of accused and convicted offenders by law enforcement, court, and correctional agencies in the Federal and District of Columbia systems.

(c) Undertake such other projects relating to policy development as may specifically be assigned by the Attorney General.

§ 0.7 [Amended]

3. In § 0.7 of Subpart B, the phrase "Under the general supervision of the Attorney General and the direction of the Deputy Attorney General" is revised to read "Under the general supervision and direction of the Attorney General."

§ 0.17 [Deleted]

4. Section 0.17 of Subpart C is revoked.

§§ 0.25 and 0.27 [Amended]

5. In § 0.25 of Subpart E and section 0.27 of Subpart E-1, the phrase "Subject to the general supervision of the Attorney General and the direction of the Deputy Attorney General" is revised to read "Subject to the general supervision and direction of the Attorney General."

§ 0.33 [Amended]

6. In § 0.33 of Subpart P, the phrase "Subject to the general supervision of the Attorney General, and under the direction of the Deputy Attorney General" is revised to read "Subject to the general supervision and direction of the Attorney General."

Dated: September 9, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc. 75-24637 Filed 9-15-75; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 431-6; OPP-30002A]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Registration, Reregistration and Classification Procedures; Correction

In FR Doc. 75-17018 appearing on page 28242 in the issue for Thursday, July 3, 1975, the following changes should be made.

The third paragraph in the third column on page 28283 should read as follows:

"(C) Results in a maximum calculated concentration following direct applications."

tion to a 6-inch layer of water less than 1/10 the acute LC50 for aquatic organisms representative of the organisms likely to be exposed as measured in test animals as specified in the Registration Guide-

On that same page and in that same column, there should be a paragraph "D" after "C" and before "(2) Classification criteria for previously registered products." Paragraph "D" should read as follows:

"(D) The pesticide causes, under conditions of label use, or widespread and commonly recognized practice of use, only minor or no discernible adverse effects on the physiology, growth, population levels, or reproduction rates of non-target organisms, resulting from exposure to the product ingredients, their metabolites, or degradation products, whether due to direct application or otherwise resulting from application, such as through volatilization, drift, leaching or lateral movement in soil."

Dated: September 9, 1975.

VICTOR J. KIMM,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc. 75-24510 Filed 9-15-75; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-3—PROCUREMENT BY NEGOTIATION

Determinations and Findings—Cost Accounting Standards

Correction

In FR Doc. 75-23216, appearing on page 40517, of the issue of Wednesday, September 3, 1975, the subpart heading in the second column on page 40517 should be changed to read as follows:

"Subpart 14-3.12—Cost Accounting Standards"

CHAPTER 114—DEPARTMENT OF THE INTERIOR

[IPMR Release No. 75-3]

PART 114-60—PERSONAL PROPERTY MANAGEMENT

Subpart 114-60.5—Classification of Property

CRITERIA

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 485(c), § 114-60.501 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on September 16, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of
the Interior.

SEPTEMBER 9, 1975.

Section 114-60.501 is revised by deleting paragraphs (a) through (d) and substituting new paragraphs (a) through (c) to read as follows:

§ 114-60.501 Classification criteria.

(a) As a general rule, any single item of property having an original cost value of more than \$300 when new should be capitalized. Classification of substantially similar items should be consistent, however. In cases where a portion of the total inventory of similar items is acquired at more than \$300 and a portion at less than \$300, all items should either be classified as capitalized or non-capitalized.

(b) Property may also be classified as capitalized for accountability control purposes even though the original cost value is under the guideline figure. Sensitive items requiring such control include small electronic calculators, tape recorders, radios, photographic and projection equipment, typewriters and other office machines, firearms, survey instruments, binoculars, power tools, or other equipment which because of its general use characteristics and ease of transport is particularly susceptible to misappropriation or theft.

(c) All office furniture may be exempted from classification as capitalized equipment at the discretion of the bureau or office head, provided that suitable custodial controls are otherwise in effect to properly safeguard the Government-owned property.

[FR Doc. 75-24571 Filed 9-15-75; 8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—TANK VESSELS

SUBCHAPTER F—MARINE ENGINEERING

[CGD 73-254]

MARINE ENGINEERING SYSTEMS AND COMPONENTS

Miscellaneous Amendments; Correction

In FR Doc. 75-23028, appearing at page 40163 in the FEDERAL REGISTER of September 2, 1975, change the effective date from September 29, 1975 to October 2, 1975.

Dated: September 10, 1975.

O. W. SILER,
Admiral, U.S. Coast
Guard Commandant.

[FR Doc. 75-24584 Filed 9-15-75; 8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 3-3; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Flammability of Interior Materials;

Response to Petition for Reconsideration

On March 31, 1975, the National Highway Traffic Safety Administration (NHTSA) issued a notice modifying the test procedures and specimen prepara-

tion requirements of Motor Vehicle Safety Standard No. 302, 49 CFR 571.302, *Flammability of interior materials* (40 FR 14318). Petitions for reconsideration of the rule were received from American Motors Corporation, General Motors Corporation, White Motor Corporation, Chrysler Corporation, Volkswagen of America, Inc., Toyota Motor Sales, U.S.A., Inc., Ford Motor Company, and the Motor Vehicle Manufacturers Association of the United States, Inc.

The NHTSA notice established a process of surrogate testing for components which were too small to test without difficulty using the procedures previously prescribed by Standard No. 302. The objections raised to this new process by the petitioners were that (a) the surrogate testing procedure is an entirely new departure, and the public should have been afforded an opportunity for comment, (b) the results of surrogate testing will in certain cases differ from the results of testing the actual component, (c) the creation of a surrogate testing sample of certain materials, such as elastic cord, is impossible, and (d) the dimensions of the surrogate sample are inappropriate.

It should be fully understood that small components which would otherwise be included within the purview of Standard No. 302 are not excluded by virtue of their size. Further, the NHTSA intends to utilize a surrogate testing procedure, among other testing procedures, in the case of small components as the first step in determining whether a safety defect exists pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act. Since the testing of small components is a more difficult process, the NHTSA concluded in amending Standard No. 302 to include the surrogate testing process that the new requirement was less stringent than that currently required by the standard. Further, by amending the standard the industry could also be fully apprised of one of the methods the NHTSA intended to use to determine whether a section 152 defect existed.

Nonetheless, it appears from the petitions for reconsideration which were received that a number of manufacturers feel that they should be allowed an opportunity for comment. The NHTSA concludes their request is reasonable and the rule, as it relates to surrogate testing, is hereby revoked and is reissued as a notice of proposed rulemaking in this issue of the *FEDERAL REGISTER*.

A number of the petitioners questioned the need for including any small components within the ambit of Standard No. 302, citing the notice of proposed rulemaking (38 FR 12934, May 17, 1973) which stated that certain small components designed to absorb energy are not fire hazards. Therefore, the petitioners believe the NHTSA has reversed its previous position.

This understanding is correct. As the NHTSA said in the preamble to the proposed amendment to Standard No. 302, issued concurrently with the amendment to the Standard (March 31, 1975, 40 FR 14340):

On May 11, 1973, the NHTSA issued a notice (38 FR 12934) which proposed, inter alia, amending paragraph S4.1 of Standard No. 302 to enumerate the interior components of vehicle occupant compartment which fell within the ambit of the standard.

Comments to the notice, however, have made clear that the enumeration of components, even with the proposed amendment, will continue to confuse manufacturers required to meet the standard.

While some materials exposed to the occupant compartment air space are not fire hazards, the burden of ascertaining that fact should properly lie with the manufacturer.

Several petitions also questioned what safety benefits would come from applying the standard to small components. As petitioner American Motors pointed out, the purpose of Standard No. 302 is to provide sufficient time for the occupants of a vehicle to exit in case of an interior fire. Thus, even small components which are highly flammable would hasten the spreading of fires in motor vehicles, resulting in a serious hazard.

Testing procedures. Petitioners pointed out that while the preamble provides that the surface of the specimen closest to the occupant compartment air space face downward on test frame, this is not made entirely clear in the body of the standard itself. The standard is amended to clarify this matter. Likewise, a definition of the term "occupant compartment air space" is added, although this term was used in the notice of proposed rulemaking without raising a problem for those commenting.

Extension of effective date of amendment. Several petitioners asked for an extension of the effective date. As the surrogate testing procedures have been revoked and reissued as a proposed rule, the NHTSA concludes that an extension of the effective date is not necessary.

Redesignation of Docket 3-3; Notice 7. Through a clerical error, two notices were issued with the heading, "Docket 3-3; Notice 7" (July 11, 1973, 38 FR 18564; March 31, 1975, 40 FR 14318). The notice appearing at 38 FR 18564 is hereby redesignated "Notice 7a" and that appearing at 40 FR 14318 is redesignated "Notice 7b."

In consideration of the foregoing, Motor Vehicle Safety Standard No. 302, 49 CFR 571.302, is amended as follows:

1. A new definition of "occupant compartment air space" is added to S3A., Definitions, in the appropriate alphabetical sequence:

§ 571.302 [Amended]

"Occupant compartment air space" means the space within the occupant compartment that normally contains refreshable air.

2. S4.1.1 is deleted and reserved.

3. In § 5.2.2, the last sentence is amended so that the paragraph reads:

§ 5.2.2 The specimen is produced by cutting the material in the direction that provides the most adverse test results. The specimen is oriented so that the sur-

face closest to the occupant compartment air space faces downward on the test frame.

Effective date: September 16, 1975.

Because this amendment relieves a restriction, it is found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on September 10, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-24644 Filed 9-11-75; 4:34 pm]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Cibola National Wildlife Refuge, Ariz. and Calif. and Havasu National Wildlife Refuge; Correction

In FR Doc. 75-22801, appearing on page 39513 in the issue for Thursday, August 28, 1975, the hunting season for doves in California should read as follows:

California—mourning and white-winged doves, from September 1 through September 30, 1975, inclusive, and from November 22 through December 7, 1975, inclusive.

In FR Doc. 75-22801, appearing on page 39513 of the issue for Thursday, August 28, 1975, the hunting season for doves in Arizona should read as follows:

Arizona—mourning and white-winged doves, from September 1 through September 21, 1975, inclusive; mourning doves only, from December 7, 1975 through January 4, 1976, inclusive.

ROBERT F. STEPHENS,
Acting Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 9, 1975.

[FR Doc.75-24569 Filed 9-15-75; 8:45 am]

PART 32—HUNTING

Swan Lake National Wildlife Refuge, Missouri

The following special regulations are issued and effective on September 16, 1975. Time limitations preclude issuance of a public notice of proposed rulemaking.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting for geese only is permitted only on designated areas comprising 2,500 acres within Swan Lake National Wildlife Refuge, Missouri. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following.

(1) Each hunter must obtain a State permit issued at the checking station prior to hunting, hunt only from his lottery-assigned blind, fire no more than ten (10) shells, and include not more than one (1) Canada goose on his daily bag.

(2) Hunting will be in accordance with State regulations.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

ALFRED O. MANKE,
Refuge Manager, Swan Lake
National Wildlife Refuge,
Sumner, Missouri 64681.

AUGUST 25, 1975.

[FR Doc.75-24570 Filed 9-15-75; 8:45 am]

PART 32—HUNTING

Seville National Wildlife Refuge, New Mexico

On August 20, 1975, there was published in the FEDERAL REGISTER (40 FR 36377) a notice of proposed special regulations for hunting of migratory game birds on Seville National Wildlife Refuge.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested parties were given an opportunity to submit written comments, suggestions or objections regarding the proposed special regulations. Because of the limited time available to implement the proposed rulemaking, if adopted, the United States Fish and Wildlife Service found that "good cause" existed to require a shortening of the comment period to 5 days. Accordingly, comments received by the 25th of August were considered by the Service. No unfavorable comments were received and the amendment is adopted as set forth below with minor editorial changes.

Additionally, the United States Fish and Wildlife Service has determined that a finding of "good cause" is warranted within the terms of 5 U.S.C. 553(d) (3) to expedite the implementation of this rulemaking because final Federal migratory bird hunting regulations were not published until September 5, 1975, and the teal season begins September 20, 1975.

These special regulations will therefore become effective on September 20, 1975.

P. V. SCHMIDT,
Acting Director,
U.S. Fish and Wildlife Service.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

SEVILLE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Seville National Wildlife Refuge, New Mexico, is permitted as follows: The Special Teal Season from September 20 through September 28 inclusive, ducks and coots from October 28 through January 18, 1976, and geese from December 27 through January 11, 1976, inclusive; but only on the areas designated by signs as open to hunting. These open areas, comprising 1,992 acres, are delineated on maps available at headquarters of the Bosque del Apache National Wildlife Refuge, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) Hunting during the general waterfowl season will be permitted only on Tuesday, Thursday and Sunday until 1 p.m.

(2) Hunting during the special teal season will be on each day of the season.

(3) No camping will be permitted.

(4) Vehicle entry and parking will be restricted to areas as posted and designated on hunt map.

(5) There will be no entry to the hunt area earlier than two hours before sunrise.

(6) All hunters must be out of the hunt area and off the refuge by two hours after shooting hours.

(7) The use of dogs in the hunt area is allowed for the purpose of waterfowl hunting only. Dogs not to exceed two per hunter.

(8) Hunters and dogs may not enter closed areas to retrieve birds.

(9) Fires of any type are prohibited.

(10) The construction of temporary blinds is permitted. Pits and permanent blinds are prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1976.

[FR Doc.75-24578 Filed 9-15-75; 8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Illinois, Iowa, Minnesota and Wisconsin Upper Mississippi River Wild Life and Fish Refuge; Correction

In FR appearing on page 30966, Vol. 40, No. 143 of the issue for Thursday, July 24, 1975, under Sec. 28.28, Paragraph (8) should read as follows:

(8) The placement on the refuge of boathouses, boat docks, boat slips, storage boxes or sheds, stairways, wells, septic systems, sewer systems of any type, and all other kinds and types of construction is prohibited without written authorization of the refuge manager or his authorized representative. All structures, including boathouses, docks, piers and floats authorized by permit to be moored, anchored, or secured along the shoreline and on the waters of the Mississippi River within the Upper Mississippi River Wild Life and Fish Refuge must use flotation methods and devices of a type constructed of polyurethane, high-impact polyethylene fiberglass material, or other inert materials to provide flotation. The use of any iron or steel container not fabricated originally for flotation purposes, including barrels, tanks and other containers originally constructed for the purpose of containing fluids, powders or similar products is prohibited unless filled with polyurethane. Flotation devices must be completely converted to conform to these requirements by June 30, 1976. The provisions of this special regulation supplement the regulations which govern public access use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective until June 30, 1976.

Dated: September 9, 1975.

WAYNE E. GUESWEL,
Refuge Manager.

[FR Doc.75-24636 Filed 9-15-75; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1000]

[Docket No. 75N-0148]

SPECIFIC AREA GONAD SHIELDING

Guideline for Use on Patients During Medical Diagnostic X-ray Procedures

The Commissioner of Food and Drugs is proposing a guideline for specific area gonad shielding for patients undergoing x-ray examination. Interested persons have until November 17, 1975 to submit comments.

The Food and Drug Administration (FDA), Department of Health, Education, and Welfare, under the authority of the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 82 Stat. 1173 et seq., (42 U.S.C. 263b et seq.)) conducts and supports research, training, and operational activities to minimize the exposure of the public to unnecessary electronic product radiation. In carrying out the purposes of the act, the Commissioner is authorized to make recommendations that he considers appropriate relating to control of electronic product radiation (section 356(b) of the act.) Accordingly, it is hereby proposed to amend Chapter I of Title 21 of the Code of Federal Regulations by adding a new Subpart C, "Guidelines and Recommendations," to Part 1000 (21 CFR Part 1000), and prescribe an advisory guideline for health practitioners concerning the use of specific area gonad shielding on patients during medical diagnostic x-ray procedures in a new § 1000.50 (21 CFR 10050) of the subpart. Subpart C of Part 1000 would contain all future voluntary guidelines issued by the Commissioner concerning the control of electronic product radiation. Such guidelines would be implemented through educational programs and cooperative activities with professional organizations and State radiation control agencies. Recommendations regarding the shielding of other radiation-sensitive tissues and organs of patients, such as the thyroid, bone marrow, and developing fetus, during medical diagnostic x-ray procedures, are also under study by the FDA and would be proposed for inclusion in this subpart when sufficient scientific and technical information are available.

Shielding of the gonads during a diagnostic x-ray procedure is accomplished by interposing lead or lead-impregnated material between the x-ray source and the germinal tissues of the patient to

reduce the x-ray dose to those tissues. A thickness of material equivalent to 0.25 millimeter of lead is sufficient to reduce the transmitted intensity of a 100 kVp (kilovolts peak) primary x-ray beam by approximately 90 percent. For a 150 kVp x-ray beam, a thickness of material equivalent to 0.5 millimeter of lead is sufficient to achieve this reduction.

Gonad shielding is desirable because studies indicate that exposure to ionizing radiation causes mutations in germinal tissue, which may adversely affect future generations. A significant portion of the gonad dose to the population incurred during medical x-ray examinations could be eliminated by the use of shielding, without adversely affecting medical radiological diagnoses. Exposure of the gonads is not necessary, unless the use of shielding would interfere with the visualization of adjacent anatomical structures of interest, or the gonads themselves must be visualized.

Two general types of gonad shields are currently available: Wide area and specific area shields.

Wide area shields, such as lead aprons, cover an extended area of the body, and are frequently used to protect patients from scattered and other secondary sources of x-rays, such as tube housing leakage. They are also used by fluoroscopists, technicians, and other persons who may be exposed to secondary radiation during x-ray examinations. However, they are not generally useful for patients when the gonads lie within or in close proximity to the primary x-ray field because wide area shielding frequently interferes with the objectives of the examination.

Specific area shields cover an area slightly larger than the region of the gonads. This permits their use on patients during many procedures in which the gonads lie within, or are in close proximity to the x-ray field, such as examinations of the abdominal, upper femoral and pelvic regions, without interfering with the objectives of the examination. Among the diagnostic x-ray procedures currently in use, the largest gonad doses are incurred by patients during such examinations. Therefore, the magnitude of the gonad dose reduction that can be achieved by a facility solely by wide area shielding of patients is considerably smaller than that attainable by a program that also incorporates the appropriate use of specific area shielding.

Specific area shielding is commercially available in three basic forms: Shadow shielding; flat, contact shielding; and shaped, contact shielding.

Shadow shielding consists of a piece of radiopaque material held in the primary x-ray beam, usually near the x-ray tube, so as to cast a shadow over the patient's gonads. Proper positioning requires a clearly visible and accurately aligned beam-defining light. Because it does not touch the patient, shadow shielding offers advantages when sterile fields are required or when the patient is incapacitated. Although the acquisition cost is higher than for other types of shielding, a single device may be used indefinitely.

Flat, contact shielding usually consists of a small, flat piece of lead-impregnated material that is placed on or taped to the patient so as to cover the gonads but not obscure the area of diagnostic interest. This type of shielding can be inexpensively fabricated from old lead aprons or film blockers, or may be obtained commercially. It is most effective in anteroposterior (AP) examinations of the abdominal region when the patient is recumbent; however, because it is difficult to secure, it is not well suited to projections other than AP, or to situations in which the patient is not recumbent.

Shaped, contact shielding can be used only for male patients. It consists of a lead-impregnated, cup-shaped shield that is enclosed in a disposable plastic bag and inserted into a pouch sewn into a carrier garment, such as briefs or an athletic supporter. This type of shielding is now commercially available with suitable carrier garments for children and adults. Because of its contoured design and method of attachment, it is appropriate for AP or lateral projections, and is effective in reducing some radiation scattered from adjacent parts of the body. Also, patients may be repositioned for different views without repositioning the shield. Acquisition cost is low; however, there is a continuing cost for laundering or replacing carrier garments. Satisfactory programs can be designed around any one or a combination of the types of specific area gonad shields discussed above.

A number of medical, professional, and radiological health organizations have previously published recommendations favoring use of gonad shielding. Twenty-three State radiation control agencies have issued related regulations or recommendations. In spite of this, gonad shielding is not consistently employed during most of the medical radiological procedures where it is appropriate. This may be because it has not been consistently or effectively taught in training programs for x-ray technologists and medical practitioners, and the public has

not been adequately informed of its benefits. Also, the enforcement of regulations governing the use of gonad shielding is difficult. Due to the inherent variability in diagnostic x-ray procedures, it is not possible to compile a complete regulatory list of examinations for which shielding should always be used, and in which its use will not interfere with clinical objectives. Because effective specific area gonad shields are now available which are easy to use and which minimize the chances of interference with the objectives of a variety of examinations, it is anticipated that a renewed voluntary effort using more effective educational materials will increase the clinical use of this highly desirable radiation protection technique.

The proposed guideline has been reviewed by the Medical Radiation Advisory Committee, a committee established pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a). This committee advises the Commissioner on formulation of policy and development of coordinated national programs relating to optimal application of ionizing radiation for medical purposes. In addition, medical and professional organizations, radiological health groups, government agencies, and other interested parties were invited to submit written comments regarding the proposed guideline during its development. The comments received generally supported the principles set forth in the guideline. Some changes were suggested, and they have been incorporated wherever possible. One medical organization has implicitly endorsed the concept of specific area shielding by distributing informational material and sample shields to its members.

The guideline proposed by the Commissioner concerning the use of specific area gonad shielding would consist of three criteria of general applicability that should be used by health practitioners as a basis for decisions concerning the need for such shielding in individual cases. Practical guidance concerning the implementation of these criteria would also be provided. Adherence to the guideline at the clinical level would require that instructions and procedures that can be easily followed by x-ray personnel with minimal disruption of radiological services be established by each facility. The criteria and guidance proposed, and the rationale for these are as follows:

1. Proposed § 1000.50(a) recommends that specific area gonad shielding be used if the gonads of the patient will lie within the primary x-ray field, or in close proximity (about 5 centimeters), despite proper beam limitation.

This recommendation is based upon studies conducted by FDA that indicate that specific area gonad shielding yields testicular dose reductions ranging from approximately 85 percent when the testes lie within the x-ray field, to approximately 50 percent when they lie within the immediate proximity of the field. Possible ovarian dose reductions under similar circumstances were found to range from 45 to 30 percent. These potential ovarian dose reductions are smaller than comparable testicular dose reductions be-

cause the ovaries lie approximately at the mid-plane of the abdomen, and a greater portion of ovarian dose comes from x-rays scattered from adjacent tissues.

The criterion proposed in § 1000.50(a) does not urge the use of specific area gonad shielding when the gonads are more than 5 centimeters from the edge of the primary x-ray field because FDA studies have indicated that in such cases gonad doses are small. For example, in a properly collimated postero-anterior chest examination the testicular exposure is typically less than 0.03 milliroentgens. As a result, it has been concluded that the use of specific area shielding for such examinations cannot be defended on the basis of cost-effectiveness. The criterion proposed in § 1000.50(a) would not preclude the use of shielding when the gonads are more than 5 centimeters from the edge of the primary x-ray field. However, health practitioners who choose to do so should not neglect the use of specific area shielding when the gonads lie within, or are in close proximity to the primary x-ray field.

Proposed § 1000.50(a) (1) and (2) provide practical guidance concerning the types of examinations for which specific area testicular shielding should be considered. For reasons discussed in item 2. below of this preamble, it is not presently feasible to present such practical guidance for the use of specific area ovarian shielding.

Proposed § 1000.50(a) (1) recommends that, in the absence of extenuating circumstances, such as those stated in § 1000.50 (b) and (c), specific area testicular shielding should always be used for those examinations in which the testes usually are in the primary x-ray field. This category includes examinations of the pelvis, hip, upper femur and other examinations where the testes usually are not excluded from the x-ray field by collimation alone, using conventional techniques. In these examinations, the general application of specific area testicular shielding will result in substantial dose reductions.

Proposed § 1000.50(a) (2) addresses those examinations in which the testes may be within the primary x-ray field, or within 5 centimeters of its edge, depending upon several variables that affect the distance between the edge of the x-ray field and the testes. These variables, which are unique to facilities, x-ray machines, patients, and examination techniques, include the beam and image receptor size used, the location of the image receptor relative to the testes, the alignment of the beam and image receptor, and the distance between the testes and adjacent bony landmarks. The cumulative effect of these variables is such that whether the testes will be within or in close proximity to the primary x-ray field cannot be predicted without individual analysis of the circumstances involved in the performance of each examination. Consequently, the dose reductions to be derived from the use of specific area testicular shielding during such examinations are highly dependent upon the above examination variables. Some examples of this category are ab-

dominal, lumbar spine and lumbosacral spine examinations, intravenous pyelograms, and abdominal scout films for barium enemas and upper GI series. Proposed § 1000.50(a) (2) recommends that each facility evaluate its procedures, techniques, and equipment, and compile a list of such examinations for which specific area testicular shielding should be routinely considered. As a basis for judgment, it would be recommended that specific area testicular shielding be considered for those examinations of male patients in which the pubic symphysis can be visualized on the film.

Proposed § 1000.50(a) (3) emphasizes that gonad shielding should never be used as a substitute for careful positioning, the use of correct technique factors and film processing, or proper beam limitation (confinement of the x-ray field to the area of diagnostic interest). This substitution could result in unnecessary doses to other sensitive tissues, and could also adversely affect the quality of the radiograph.

2. Section 1000.50(b) recommends that specific area gonad shielding be used only if the clinical objectives of the examination will not be compromised.

This recommendation is based on the premise that patients receive health benefits from those necessary diagnostic x-ray examinations for which shielding cannot be used that override the associated genetic risks to the population. Therefore, if specific area shielding would probably or definitely interfere with diagnosis, its use is not justified. The decision to use such shielding on any particular patient for a diagnostic procedure should be based on the professional judgment of a practitioner of the healing arts operating within the framework of the guideline provisions.

Proposed § 1000.50(b) (1) recommends that specific area testicular shielding be considered for use during the majority of abdominal region examinations of male patients. The anatomical location of the testes is such that covering them with a properly positioned specific area shield usually does not obscure needed clinical information; therefore, the use of specific area shielding for males can be easily implemented without modification of existing radiological procedures. It has been found that such shielding usually does not obscure needed clinical information during abdominal area examinations, except in a few cases such as retrograde urethrograms, voiding cystourethrograms, oblique views of the hip, visualization of the rectum and occasionally the pubic symphysis.

Proposed § 1000.50(b) (2) advises that effectively shielding the ovaries from the primary x-ray field is frequently impractical at present because their exact location is difficult to estimate, and the shielding may obscure radiological visualization of adjacent structures, due to the proximity to the spine, ureters, and small and large bowel. Since reducing both ovarian and testicular doses are important, specific area gonad shields should ideally be provided during appropriate procedures for patients of

either sex. It may be possible for a practitioner to use specific area ovarian shielding during selected views in some examinations, but these techniques are not well established. Although the guideline proposed herein is applicable to specific area shielding of both male and female patients, there is no practical guidance presently available on implementing the proposed criteria for females. It is anticipated that comments submitted in response to this proposed guideline may provide additional technical and clinical information concerning the appropriate use of specific area ovarian shielding.

3. Proposed § 1000.50(c) recommends that specific area gonad shielding be used if the patient has a reasonable reproductive potential.

This recommendation is made because the purpose of gonad shielding is to prevent adverse effects on future generations. Therefore, § 1000.50(c) (1) states that patients, who for some reason cannot or are not likely to have children in the future, need not be considered as candidates for shielding. To avoid the necessity of obtaining additional information from each patient, a radiological facility could comply with the intent of § 1000.50(c) by choosing the simplified procedure of employing specific area shielding for all patients under a chosen age. Census information regarding the expected number of future children versus the age of a potential parent is provided in the table in § 1000.50(c) (2). Using this data, a facility could exercise its own judgment in establishing an age limitation above which specific area shielding would not be routinely applied. However, facilities employing an age limit should recognize that some persons below that specified age who are sterile, or who do not intend to reproduce, may object to being shielded, and some over that age may object to not being shielded. A facility employing an age limit should be prepared to alter its procedures for patients whose objections may interfere with their medical care.

Pertinent background data and information on the guideline proposed herein, including an environmental impact assessment report, are on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 356, 82 Stat. 1175 (42 U.S.C. 263d)) and under the authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 1000 of Subchapter J of Chapter I of Title 21 of the Code of Federal Regulations by establishing Subpart C consisting at this time of § 1000.50, to read as follows:

Subpart C—Guidelines and Recommendations

§ 1000.50 Guideline for the use of specific area gonad shielding on patients during medical diagnostic x-ray procedures.

Specific area gonad shielding covers an area slightly larger than the region of the gonads. It may therefore be used to

protect the germinal tissue of patients from radiation exposure that may cause genetic mutations during many medical x-ray procedures in which the gonads lie within, or are in close proximity to the x-ray field, without interfering with the objectives of the examination. Such shielding should be provided when the following conditions exist:

(a) The gonads will lie within the primary x-ray field, or within close proximity (about 5 centimeters), despite proper beam limitation. Except as provided in paragraph (b) or (c) of this section:

(1) Specific area testicular shielding should always be used during those examinations in which the testes usually are in the primary x-ray field, such as examinations of the pelvis, hip, and upper femur; and

(2) Specific area testicular shielding may also be warranted during other examinations of the abdominal region in which the testes may lie within, or in close proximity to the primary x-ray field, depending upon the size of the patient and the examination techniques and equipment employed. Some examples of these are: Abdominal, lumbar spine and lumbosacral spine examinations, intravenous pyelograms, and abdominal scout film for barium enemas and upper GI series. Each x-ray facility should evaluate its procedures, techniques, and equipment and compile a list of such examinations for which specific area testicular shielding should be routinely considered for use. As a basis for judgment, specific area testicular shielding should be considered for all examinations of male patients in which the pubic symphysis will be visualized on the film; and

(3) Specific area gonad shielding should never be used as a substitute for careful patient positioning, the use of correct technique factors and film processing, or proper beam limitation (confinement of the x-ray field to the area of diagnostic interest), because this could result in unnecessary doses to other sensitive tissues, and could adversely affect the quality of the radiograph.

(b) The clinical objectives of the examination will not be compromised.

(1) Specific area testicular shielding usually does not obscure needed information except in a few cases such as oblique views of the hip, retrograde urethrograms and voiding cystourethrograms, visualization of the rectum, and, occasionally, the pubic symphysis. Consequently, specific area testicular shielding should be considered for use in the majority of x-ray examinations of male patients in which the testes will lie within the primary beam or within 5 centimeters of its edge.

(2) The use of specific area ovarian shielding is frequently impractical at present because the exact location of the ovaries is difficult to estimate, and the shield may obscure visualization of portions of adjacent structures such as the spine, ureters, and small and large bowel. However, it may be possible for practitioners to use specific area ovarian shielding during selected views in some examinations.

(c) The patient has a reasonable reproductive potential.

(1) Specific area shielding need not be used on patients who cannot, or are not likely to have children in the future.

(2) The following table of statistical data regarding the average number of children expected by potential parents in various age categories during their remaining lifetimes is provided for x-ray facilities that wish to use it as a basis for judging reproductive potential.

Expected number of future children versus age of potential parent¹

Age	Male parent	Female parent
Fetus	2.6	2.6
0 to 4	2.6	2.5
5 to 9	2.7	2.5
10 to 14	2.7	2.6
15 to 19	2.7	2.6
20 to 24	2.6	2.2
25 to 29	2.0	1.4
30 to 34	1.1	.6
35 to 39	.5	.2
40 to 44	.2	.04
45 to 49	.07	0
50 to 54	.03	0
55 to 59	.01	0
Over 60	0	0

¹ Derived from data published by the National Center for Health Statistics, "Final Natality Statistics 1970," HRA 74-1130, vol. 22, No. 12, Mar. 20, 1974.

Interested persons may, on or before November 17, 1975 submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate (except that individuals may submit single copies), and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: September 9, 1975.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc. 75-24534 Filed 9-15-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 32, 35, 77, 78, 96, 167, 184, 185, 195, 196]

[CGD 75-074]

VESSEL INSPECTION REGULATIONS

Proposed Rulemaking

The purpose of these amendments to the vessel inspection regulations is to publish within the Code of Federal Regulations amendments to the Convention for Safety of Life at Sea, 1960.

The assembly of the Intergovernmental Maritime Consultative Organization (IMCO) at its fourth extraordinary session held in London, November 1968, adopted three amendments to the International Convention for the Safety of Life at Sea, 1960. These amendments were an outgrowth of a study by IMCO

of the disastrous TORREY CANYON foundering on 18 March 1967. The amendments will require vessels of 1,600 gross tons and over in ocean and coastwise service to be fitted with a radar, radio direction finding apparatus, gyro compass, and echo sounding device. Conditions of vessel operation while under the control of an automatic pilot are also specified. In addition to the specific navigational equipment requirements for vessels of 1,600 gross tons and over, all ships subject to the International Convention for the Safety of Life at Sea, 1960, must carry adequate and up-to-date charts, sailing directions, lists of lights, notices to mariners, tide tables and other nautical publications necessary for the intended voyage.

The United States Delegation to IMCO consulted with the American maritime industry, interested agencies of the Executive Branch of the United States Government and other interested parties concerning the 1968 amendments in preparation for all stages of IMCO consideration. The Coast Guard is not aware of any objections to any of the amendments as they were adopted by the assembly. The impact on United States merchant vessels will not be great because nearly all of our vessels of the tonnage indicated have the required equipment on board at the present time.

Eight additional amendments to the International Convention for the Safety of Life at Sea, 1960, were adopted in London, October 1969. Of the eight amendments, only two have any impact on United States vessels. The first requires that the two firemen's outfits that are presently carried be stored conveniently for use in widely separated accessible locations. The second requires that the International Code of Signals be carried on board vessels which must be provided with radiotelegraph or radiotelephone installations.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Coast Guard (G-CMC), 400 Seventh Street, SW., Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 75-074) and give reasons for any recommendations. Comments received before October 31, 1975, will be available in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The proposal may be held at a time and place set in a later changed in light of comments received. No hearing is contemplated but may be notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, of the Code of Federal Regulations as follows:

PART 32—SPECIAL EQUIPMENT MACHINERY AND HULL REQUIREMENTS

§ 32.15-10 [Amended]

1. Section 32.15-10 is amended by deleting the words "mechanical or" in the first sentence.

2. By adding a new sentence to § 32.15-20(a) to read as follows:

§ 32.15-20 Radiotelegraph and Radiotelephone—T/ALL.

(a) * * * All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone in accordance with Chapter IV of the Safety of Life at Sea Convention, 1960 must carry the International Code of Signals.

3. By adding a new § 32.15-30 to read as follows:

§ 32.15-30 Radar—T/OC.

All tankships of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

4. By adding a new § 32.15-35 to read as follows:

§ 32.15-35 Magnetic and Gyro Compass T/OC.

(a) All tankships in ocean or coastwise service must be fitted with a magnetic compass.

(b) All tankships of 1,600 gross tons and over in ocean or coastwise service must be fitted with a gyro compass in addition to the magnetic compass.

PART 35—OPERATIONS

5. By revising § 35.20-1(d) to read as follows:

§ 35.20-1 Notice to Mariners, Aids to Navigation—T/OCIB.

(d) All vessels must carry adequate and up-to-date—

- (1) Charts,
- (2) Sailing directions,
- (3) Coast pilots,
- (4) Light list,
- (5) Notices to mariners,
- (6) Tide tables,
- (7) Current tables, and
- (8) All other nautical publications necessary for the intended voyage.

6. By adding § 35.20-45 to read as follows:

§ 35.20-45 Use of Auto Pilot T/ALL.

- (a) When the automatic pilot is used in—
- (1) Areas of high traffic density,
 - (2) Conditions of restricted visibility, and

(3) All other hazardous navigational situations, the master shall ensure that—

(i) It is possible to establish immediately human control of a ship's steering.

(ii) A qualified helmsman is ready at all times to take over steering control, and

(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

7. By revising the first sentence of § 35.30-20 to read as follows:

§ 35.30-20 Emergency Equipment—TB/ALL.

(a) Two emergency outfits that are stored conveniently for use in widely separated accessible locations are required for the following: * * *

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

8. By adding a new Subpart 77.09 to read as follows:

Subpart 77.09—Radar

§ 77.09-1 When required.

(a) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

9. By adding a new Subpart 77.11 to read as follows:

Subpart 77.11—Magnetic and Gyro Compass

§ 77.11-1 When required.

(a) All vessels in ocean, coastwise or Great Lakes service must be fitted with a magnetic compass.

(b) All vessels 1,600 gross tons and over in ocean or coastwise service must be fitted with a gyro compass, in addition to the magnetic compass.

10. By adding a new paragraph (b) to § 77.13-1 to read as follows:

Subpart 77.13—Radiotelegraph and Radiotelephone

§ 77.13-1 Required by Federal Communications Commission.

(b) All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone installation in accordance with Chapter IV of the Safety of Life at Sea Convention, 1960 must carry the International Code of Signals.

§ 77.27-1 [Amended]

11. Section 77.27-1 is amended by deleting the words "mechanical or" from the first sentence.

PART 78—OPERATIONS

12. By revising § 78.05-5 to read as follows:

§ 78.05-5 Charts and Nautical Publications.

(a) All vessels except barges, ferry boats and vessels operating exclusively on rivers, must carry adequate and up-to-date—

- (1) Charts,
- (2) Sailing directions,
- (3) Coast pilots,
- (4) Light list,
- (5) Notices to mariners,
- (6) Tide tables,
- (7) Current tables, and
- (8) All other nautical publications

necessary for the intended voyage.

13. By adding a new Subpart 78.19 to read as follows:

Subpart 78.19—Auto Pilot

§ 78.19-1 Use of Auto Pilot.

(a) When the automatic pilot is used in—

- (1) Areas of high traffic density,
- (2) Conditions of restricted visibility, and
- (3) All other hazardous navigational situations, the master shall ensure that—

(i) It is possible to establish immediately human control of a ship's steering,

(ii) A qualified helmsman is ready at all times to take over steering control, and

(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

14. By adding a new paragraph (b) to § 96.13-1 to read as follows:

Subpart 96.13—Radiotelegraph and Radiotelephone

§ 96.13-1 Required by Federal Communications Commission.

(b) All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone installation in accordance with Chapter IV of the Safety of Life at Sea Convention, 1960 must carry the International Code of Signals.

15. By adding a new Subpart 96.17 to read as follows:

Subpart 96.17—Magnetic and Gyro Compass

§ 96.17-1 When required.

(a) All vessels in ocean or coastwise service must be fitted with a magnetic compass.

(b) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a gyro compass in addition to the magnetic compass.

16. By adding a new Subpart 96.25 to read as follows:

Subpart 96.25—Radar

§ 96.25-1 When required.

(a) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

§ 96.27-1 [Amended]

17. Section 96.27-1 is amended by deleting the words "mechanical or" in the first sentence of paragraph (a).

18. By revising paragraph (a) of § 96.35-15 to read as follows:

§ 96.35-15 Stowage.

(a) The fireman's outfits and personal equipment must be stored convenient for use in widely separated accessible locations.

PART 97—OPERATIONS

19. By revising § 97.05-5(a) to read as follows:

§ 97.05-5 Charts and Nautical Publications.

(a) All vessels except barges, vessels operating exclusively on rivers, and motorboats other than those certified for ocean or coastwise routes, must carry adequate and up-to-date—

- (1) Charts,
- (2) Sailing directions,
- (3) Coast pilots,
- (4) Light list,
- (5) Notices to mariners,
- (6) Tide tables,
- (7) Current tables, and
- (8) All other nautical publications

necessary for the intended voyage.

20. By adding a new Subpart 97.16 to read as follows:

Subpart 97.16—Auto Pilot

§ 97.16-1 Use of Auto Pilot.

(a) When the automatic pilot is used in—

- (1) Areas of high traffic density,
- (2) Conditions of restricted visibility, and
- (3) All other hazardous navigational situations, the master shall ensure that—

(i) It is possible to establish immediately human control of a ship's steering,

(ii) A qualified helmsman is ready at all times to take over steering control, and

(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

§ 167.40-20 [Amended]

21. Section 167.40-20 is amended by deleting the words "mechanical or" from the first and second sentences.

22. By adding a new § 167.40-40 to read as follows:

§ 167.40-40 Radar.

(a) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations under the jurisdiction of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

23. By adding a new § 167.40-45 to read as follows:

§ 167.40-45 Magnetic and Gyro Compass.

(a) All vessels in ocean or coastwise service must be fitted with a magnetic compass.

(b) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a gyro compass in addition to the magnetic compass.

24. By adding a new § 167.65-35 to read as follows:

§ 167.65-35 Use of Auto Pilot.

(a) When the automatic pilot is used in—

- (1) Areas of high traffic density,
- (2) Conditions of restricted visibility, and
- (3) All other hazardous navigational situations, the master shall ensure that—

(i) It is possible to establish immediately human control of a ship's steering,

(ii) A qualified helmsman is ready at all times to take over steering control, and

(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

25. By revising § 167.65-45(d) to read as follows:

§ 167.65-45 Charts and Nautical Publications.

(d) All nautical school ships must carry adequate and up-to-date—

- (1) Charts,
- (2) Sailing directions,
- (3) Coast pilots,
- (4) Light list,
- (5) Notices to mariners,
- (6) Tide tables, and
- (7) All other nautical publications

necessary for the intended voyage.

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

26. By adding a new paragraph (c) to § 184.25-1 to read as follows:

Subpart 184.25—Radio

§ 184.25-1 Requirements of the Federal Communications Commission.

(c) All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone installation in accordance with Chapter IV of the Safety of Life at Sea Convention 1960, must carry the International Code of Signals.

PROPOSED RULES

PART 185—OPERATIONS

27. By adding a new § 185.20-30 to read as follows:

Subpart 185.20-30—Miscellaneous Operating Requirements

§ 185.20-30 Use of Auto Pilot.

(a) When the automatic pilot is used in—

- (1) Areas of high traffic density,
- (2) Conditions of restricted visibility, and
- (3) All other hazardous navigational situations, the operator shall ensure that—

(i) It is possible to establish immediately human control of a ship's steering,

(ii) That a qualified helmsman is ready at all times to take over steering control, and

(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the operator.

28. By adding a new § 185.20-35 to read as follows:

§ 185.20-35 Charts and Nautical Publications.

(a) All vessels engaged in an international voyage must carry adequate and up-to-date—

- (1) Charts,
- (2) Sailing directions,
- (3) Coast pilots,
- (4) Light list,
- (5) Notices to mariners,
- (6) Tide tables,
- (7) Current tables, and
- (8) All other nautical publications necessary for the intended voyage.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

29. By adding a new paragraph (b) to § 195.13-1 to read as follows:

Subpart 195.13—Radiotelegraph and Radiotelephone

§ 195.13-1 Required by Federal Communications Commission.

(b) All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone installation in accordance with Chapter IV of the Safety of Life at Sea Convention, 1960 must carry the International Code of Signals.

30. By adding a new Subpart 195.17 to read as follows:

Subpart 195.17—Radar

§ 195.17 When required.

(a) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations under the jurisdiction of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

31. By adding a new Subpart 195.19 to read as follows:

Subpart 195.19—Magnetic and Gyro Compass

§ 195.19-1 When required.

(a) All vessels in ocean or coastwise service must be fitted with a magnetic compass.

(b) All vessels of 1,600 gross tons and over in ocean or coastwise service fitted with a gyro compass in addition to the magnetic compass.

§ 195.21-1 [Amended]

32. Section 195.27-1 is amended by deleting the words "mechanical or" in the first sentence.

33. By adding a new sentence to § 195.35-10(b) to read as follows:

§ 195.35-10 Firemen's Outfit.

(b) * * * The firemen's outfits and personal equipment must be stored convenient for use in widely separated accessible locations.

PART 196—OPERATIONS

34. By revising § 196.05-5 to read as follows:

§ 196.05-5 Charts and Nautical Publications.

All vessels except barges, ferry boats, and vessels operating exclusively on rivers must carry adequate and up-to-date—

- (a) Charts,
- (b) Sailing directions,
- (c) Coast pilots,
- (d) List of lights,
- (e) Notices to mariners,
- (f) Tide tables,
- (g) Current tables, and
- (h) All other nautical publications necessary for the intended voyage.

35. By adding a new Subpart 196.16 to read as follows:

Subpart 196.16—Auto Pilot

§ 196.16-1 Use of Auto Pilot.

(a) When the automatic pilot is used in—

- (1) Areas of high traffic density,
- (2) Conditions of restricted visibility, and
- (3) All other hazardous navigational situations, the master shall ensure that—

(i) It is possible to establish immediately human control of a ship's steering,

(ii) That a qualified helmsman is ready at all times to take over steering control, and

(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

(46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b)).

Dated: September 9, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc. 75-24585 Filed 9-15-75; 8:45 am]

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 14978; Notice No. 75-45]

EPA EXHAUST EMISSIONS (SMOKE) STANDARDS AND FAA PARTICIPATION IN ALL EMISSION TESTING

Proposed Compliance

The Federal Aviation Administration is considering amending Special Federal Aviation Regulation (SFAR) 27 to require compliance with Environmental Protection Agency (EPA) standards for exhaust emissions of smoke that are effective beginning January 1, 1976. These standards, as currently prescribed in 40 CFR Part 87, apply to aircraft turbofan or turbojet engines that are designed for subsonic airplanes and that have a rated power of 29,000 pounds thrust or greater. Foreign as well as U.S. registered civil airplanes would be affected. A provision concerning FAA participation in all testing under the SFAR is also proposed.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. However, to reflect the division of regulatory responsibility between EPA (in section 231 of the Clean Air Act, as amended, 42 U.S.C. 1857 f-9) and the Secretary of Transportation (in section 232 of that Act, 42 U.S.C. 1857 f-10), comments are not solicited herein concerning the substance or the effective date of the already final requirements of EPA Part 87 that are incorporated herein. Since those comments would involve EPA's regulatory authority, they would have to be submitted to EPA (although FAA would appreciate information copies of such comments).

Comments that do not involve either the substance or the compliance date of the provisions of EPA Part 87 that are incorporated in this Notice should identify the FAA regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. Comments received on or before November 3, 1975, will be considered by the FAA Administrator before taking action on the proposed rules. The proposals contained in this notice (other than the incorporated provisions of EPA Part 87) may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On December 26, 1973, the FAA issued Special Federal Aviation Regulation (SFAR) 27, published in the FEDERAL REGISTER (38 FR 35437) on December 28, 1973. The purpose of SFAR 27 is to ensure compliance with aircraft and aircraft engine emission standards and test procedures issued by the Environmental Protection Agency (EPA). The EPA standards and procedures are contained in EPA Part 87 (40 CFR Part 87), issued on July 6, 1973, and published in the FEDERAL REGISTER (38 FR 19088) on July

17, 1973. The SFAR, as originally issued, contained only those standards and procedures in EPA Part 87 that were effective beginning February 1, 1974. On December 23, 1974, the FAA issued an amendment to SFAR 27 (Amdt. SFAR 27-1, published in the FEDERAL REGISTER on December 30, 1974 at 39 FR 45008) containing the fuel venting emission standards in EPA Part 87 that were effective beginning January 1, 1975.

The FAA now proposes to add to that SFAR those provisions of EPA Part 87 that apply beginning January 1, 1976. These are limited to the provisions of that Part that regulate the exhaust emissions of smoke from new and in-use aircraft gas turbine engines of Class T2 that have a rated power of 29,000 pounds thrust or greater. Class T2 engines are turbofan or turbojet aircraft engines (except for engines of the JT3D and JT8D Model families and engines for propulsion of supersonic aircraft) of rated power of 8,000 pounds thrust or greater. The rules proposed herein would prevent the issuance of type certificates, supplemental or amended type certificates, airworthiness approval tags, and standard airworthiness certificates unless the January 1, 1976 standards are complied with, and would prohibit the operation, in the United States, of airplanes powered by noncomplying engines, on and after that date. Since the proposed amendment, for the first time, would add exhaust emissions requirements for engines that may not yet be type certificated, § 15 of the SFAR would be amended to contain engine type certification provisions, in addition to airplane type certification provisions, incorporating the January 1, 1976 EPA standards.

Consistent with the addition of the January 1, 1976, standards to SFAR 27, the continuing compliance requirement of section 14(c) of that SFAR would be amended to provide (as it does for the February 1, 1974 standards) that continued compliance with the newly added exhaust emission standards is shown if the engine is maintained in accordance with applicable maintenance requirements. As stated in the preamble to SFAR 27 (38 FR 35437; December 28, 1973), an engine for which applicable maintenance requirements are complied with will be accepted as being in continued compliance under section 14(c) until a multipoint smoke sampling rack suitable for routine testing is readily available and the FAA has issued regulations for testing random samples of engines at normal overhaul periods.

Finally, to ensure full FAA access to, and supervision of, testing conducted under SFAR 27, it is proposed to add, as a new § 14(d), a requirement that each applicant must allow the Administrator to make, or witness, any test necessary to determine compliance with any provision of the SFAR.

(Sec. 232 of the Clean Air Act, as amended December 31, 1970, Pub. L. 91-604 (42 U.S.C. 1857f-10), as delegated (36 FR 8733); 40 CFR Part 87 (38 FR 19088); sec. 307(c), 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421 and

1423; section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

In consideration of the foregoing, Special Federal Aviation Regulation (SFAR) 27 would be amended as follows:

1. Section 14 would be amended as follows:

a. The section heading would be amended to read "Compliance."

b. Paragraph (c) would be amended by adding the following sentence at the end thereof: "Continued compliance with the exhaust emissions requirements of this SFAR that apply beginning on January 1, 1976 is shown, for engines for which the type design has been shown to meet those requirements, if the engine is maintained in accordance with applicable maintenance requirements."

c. A new paragraph (d) would be added to read as follows:

Sec. 14. Compliance.

d. Each applicant must allow the Administrator to make, or witness, any test necessary to determine compliance with the applicable provisions of this SFAR.

2. Section 15 would be amended to read as follows:

Sec. 15. Type certificates. (a) Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of the date of application, no type certificate is issued, on and after the dates specified in paragraphs (a) through (d) of this section, for the airplanes specified therein, unless—

(1) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(2) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(3) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(4) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

(b) Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of the date of application, no type certificate is issued, on and after the date specified in paragraph (a)(4) of this section, for an engine specified therein, unless the engine complies with that paragraph.

3. Section 17 would be amended to read as follows:

Sec. 17. Supplemental or amended type certificates. Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of date of application, no supplemental or amended type certificate is issued, on and after the dates specified in paragraphs (a) through (d) of this section, for the airplanes specified therein, unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related

test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

4. Section 19 would be amended to read as follows:

Sec. 19. Airworthiness approval tags. Notwithstanding Part 21 of the Federal Aviation Regulations, no airworthiness approval tag (FAA Form 8130-3) is issued on and after—

(a) February 1, 1974, for an engine of Class T4, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974; and

(b) January 1, 1976, for an engine of Class T2 that has a rated power of 29,000 pounds thrust or greater, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

5. Section 21 would be amended to read as follows:

Sec. 21. Standard airworthiness certificates. Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of the date of application, no standard airworthiness certificate is issued, on and after the dates specified in paragraphs (a) through (d) of this section, for the airplanes specified therein, unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

6. Section 25 would be amended to read as follows:

Sec. 25. Operation. On and after the dates specified in paragraphs (a) through (d) of this section, no person may, within the United States, operate an airplane specified in those paragraphs unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

Issued in Washington, D.C., on September 12, 1975.

CHARLES R. FOSTER,
Director of
Environmental Quality.

[FR Doc. 75-24766 Filed 9-15-75; 8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75-RM-30]

EXTENSION OF AREA HIGH ROUTES Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would:

1. Redesignate J-906R to extend from waypoint (WP) Ogden via WP FOOLS, WP ADAPT, WP MESIC, WP Hector to Los Angeles, Calif.

2. Extend J-920R from WP MILLE to the United States/Canadian border. (WP KRUMS to be established.)

3. Relocate WP MESIC so as to terminate J-801R/J-904R at its INT with J-906R.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before October 1, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Additionally, the proposed amendment would establish the KRUMS WP at Lat. 49°00'00" N., Long. 109°14'25" W., using Lewistown, Mont., VORTAC as the reference facility. The MESIC WP would be relocated to the present INT of J-906R with J-801R/J-904R, at Lat. 35°44'20" N., Long. 115°32'01" W., using Boulder City, Nev., VORTAC as the reference facility. The Los Angeles, Calif., WP would be established at Lat. 33°55'59" N., Long. 118°25'52" W., using Palmdale, Calif., VORTAC as the reference facility. The reference facility for the Hector WP would be changed to use the Palmdale VORTAC.

This action would extend and join two RNAV routes to permit continuous routing from Los Angeles, Calif., to the United States/Canadian border. This would reduce pilot/controller communication workload. Relocation of MESIC is necessary to provide an additional waypoint on J-906R.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 9, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc. 75-24650 Filed 9-15-75; 8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 3-3; Notice 10]

FLAMMABILITY OF INTERIOR MATERIALS Test Procedures

This notice proposes a surrogate testing procedure to test the flammability of components not easily tested under the procedures currently contained in Standard No. 302 (49 CFR 571.302).

On March 31, 1975, the National Highway Traffic Safety Administration (NHTSA) issued a notice which established a surrogate testing procedure to be used in testing the flammability characteristics of small components. A number of petitions for reconsideration were received. The surrogate testing procedure is being withdrawn and this notice of proposed rulemaking issued in its stead.

The question of how best to test components of motor vehicles which are too small to test easily by the Standard 302 procedures is a difficult one. Ascertaining the actual burn rate of a small component is a complex and expensive process, although not impossible. However, the NHTSA has concluded that the exclusion of a component from flammability requirements merely because of its size is not in the interest of safety. Also of importance in the NHTSA consideration of the problem was the matter of motor vehicle defects pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act, and the ability of a manufacturer to guard against their occurrence. Clearly, the use of a highly flammable material in a motor vehicle could be one of the considerations in determining a defect pursuant to section 152 whether or not the material could be tested without difficulty pursuant to Standard No. 302.

To alleviate this problem, the NHTSA first considered the issuance of a list of prohibited materials. It was determined, however, that such a process would be cumbersome, subject to constant amendment, and contrary to the basic requirement of providing an objective performance standard. Consequently, the alternative of surrogate testing was decided upon. While the flammability characteristics of a surrogate sample would sometimes differ from the actual component, it was felt that the flammability of the surrogate would rarely, if ever, exceed the flammability of the component itself, and would therefore give a fair approximation of the flammability of the component.

Persons petitioning to reconsider the previous notice raised several questions concerning the surrogate test procedure itself, particularly that relating to what they believed was an arbitrary sample size. Prior to amendment, Standard No. 302 called for a specimen 4 inches wide by 14 inches long, whenever possible. The maximum available length or width was to be used if a specimen of this size was not possible.

The specimen length of 6 inches contained in the amendment was based on the Standard No. 302 requirement for a burn rate of not more than 4 inches per minute. While it is possible to determine the burn rate of a specimen shorter than 6 inches, it is difficult, and it was found that surrogate testing would be more appropriate in such cases.

The petitioners also raised a question relating to the thickness of the surrogate sample. The amended rule calls for the surrogate sample to be as thick as the component itself, up to 1/2 inch. Certain components may be contoured or tapered, however. In these instances, the sample should be the maximum thickness of the component up to 1/2 inch.

In the case of components which are a composite, the rule is the same as for a larger sample. Thus, the surrogate sample of an elastic cord with a length of less than 6 inches would be a sample of the rubber material forming the core bonded to the braided sheath, if the sheath adheres to the core at every point of contact. If it does not, surrogate samples of the case and the sheath would be tested separately.

In light of the above, it is proposed that Motor Vehicle Safety Standard No. 302, 49 CFR 571.302, be amended by the amendment of S4.1.1 to read as follows.

§ 571.302 Standard No. 302 Flammability of Interior Materials.

S4.1.1 If a test sample at least 6 inches long cannot be produced from a component because of its size, a test sample or samples with composition identical to that of the component material(s) shall be produced in the shape of a rectangle 4 inches wide, 14 inches long, and as thick as the component, up to 1/2 inch, and shall be used for testing pursuant to S5. If the component is contoured or tapered, the thickness of the surrogate

sample should be the maximum thickness of the component up to 1/2 inch.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 17, 1975.

Proposed effective date: 180 days after publication of the rule.

(Secs. 103, 119, Pub. L., 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 10, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-24845 Filed 9-11-75;4:34 pm]

FEDERAL TRADE COMMISSION

[16 CFR Part 445]

LABELING AND ADVERTISING OF ROOM AIR CONDITIONERS

Proposed Trade Regulation Rule

Correction

In FR Doc. 75-22689 appearing at page 39533 in the issue of Thursday, August 28, 1975, in the first column, sixth paragraph, the third line now reading, "4, 6.1 and 6.5" should read "4, 5, 6.1 and 6.5".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 432-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Extension of Comment Period

This notice opens again, until September 16, 1975, the public record comment period relating to the April 10, 1975 (40 FR 16218) proposed disapproval of Regulation S, "Control of Sulfur Oxides Emissions" of the "Rules and Regulations for the Control of Air Pollution in Idaho." The comment period was re-

opened to September 8, 1975 as announced in the FEDERAL REGISTER on September 4 (40 FR 40856) at the request of the Bunker Hill Company. During the reopened comment period comments were received from only the Bunker Hill Company. However, a request was received from the Idaho Environmental Council to extend the comment period to September 16, 1975 because the Council was not able to prepare comments in the short time period allotted during the reopening. The Council wishes to comment in rebuttal to the Bunker Hill proposal to meet ambient standards by using tall stacks, and its submission should be so limited.

EPA has determined that this request is reasonable and is therefore extending the reopening of the comment period to September 16, 1975. As this matter has been pending before this Agency since at least the public hearing of January 22, 1975, a period of some eight months, no further extension of time beyond September 16 is contemplated by the Hearing Officer. Comments should be addressed to the Regional Administrator, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: K. Higley. Comments received will be available for public inspection at the EPA Regional Office and EPA headquarters at the Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 and at the Kellogg Public Library, 16 West Market Avenue, Kellogg, Idaho.

This notice is issued under the authority of section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5).

Dated: September 11, 1975.

EDWARD P. TUERK,
Assistant Administrator for Air
and Waste Management.

[FR Doc.75-24666 Filed 9-15-75;8:45 am]

[40 CFR Part 180]

[FRL 432-6; PP6E1661/P8]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for Pesticide Methomyl

Mr. John C. Hillis, Chief, Agricultural Chemicals and Feed, California Department of Food and Agriculture, 1220 N. St., Sacramento CA 95814, submitted a pesticide petition (PP6E1661) to the Environmental Protection Agency (EPA). This petition proposed the establishment of a tolerance of 0.2 part per million (ppm) for residues of the insecticide methomyl in or on pomegranates.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the tolerance established by amending § 180.253 will protect the public health. The proposed tolerance is adequate to cover residues in or on pomegranates,

and there is no reasonable expectation of residues in eggs, meat, or milk and § 180.6(a)(3) is applicable.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before October 16, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposal to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 423, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in reviewing them. The comments must be received on or before October 16, 1975 and should bear a notation indicating the subject (PP6E1661/P8). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to p.m. Monday through Friday.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Dated: September 11, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

It is proposed that § 180.253, Subpart C, Part 180, be amended by revising the paragraph beginning "0.2 parts per million * * *" to include pomegranates as follows:

§ 180.253 Methomyl; tolerances for residues.

0.2 parts per million (negligible residue) in or on the commodity groups cucurbits, fruiting vegetables, leafy vegetables (except broccoli, brussels sprouts, cabbage, cauliflower, celery, endive (escarole), lettuce, spinach), root crop vegetables, and pomegranates, sorghum grain, and soybeans.

[FR Doc.75-24773 Filed 9-15-75;9:26 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-8913; File No. 87-682]

CONTRACTUAL PLAN

Proposed Amendments to Rule Prescribing Reserve Requirements

Section 27(d) (15 U.S.C. 80a-27(d)) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) ("Act") empowers the Securities and Exchange Commission to make rules and regulations specifying the reserve requirements applicable to underwriters and depositors

for registered investment companies issuing periodic payment plan certificates as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligation to refund sales charges.

Notice is hereby given that pursuant to this authority, the Securities and Exchange Commission has under consideration the amendment of Rule 27d-1 (17 CFR 270.27d-1) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) ("Act"). The amendment would revise paragraphs "c" and "d" of that rule which govern the reserve requirements for front-end load periodic payment plan certificates subject to section 27(d) of the Act.¹ These requirements are designed to insure that sponsors of such plans will be able to carry out their obligations to refund charges pursuant to sections 27(d) and 27(f) (15 U.S.C. 80a-27(f)) of the Act.²

The Commission adopted Rule 27d-1 in Investment Company Act Release No. 6600 (July 2, 1971), published in the FEDERAL REGISTER on July 15, 1971 (36 FR 13134). At that time, the Commission stated that it intended to review the reserve requirements in light of actual experience as soon as sufficient data becomes available.

Paragraph "c" of Rule 27d-1 requires that for all periodic payment plan certificates governed by section 27(d) the depositor or principal underwriter must deposit into a segregated trust account 45 percent of that portion of the sales load which is in excess of 15 percent of the payment. For 50 percent front-end load contractual plans these deposits generally apply to the first 13 monthly payments. Under the proposed amendment, the required deposits of 45 percent of the excess sales load would apply only to the first 6 monthly payments.

Paragraph "d" of Rule 27d-1 sets a minimum balance which must be maintained in the segregated trust account equal to 35 percent of the total refundable sales load on the payments made on those certificates. Under the proposed amendment this minimum balance would be reduced to 15 percent of the total refundable sales load.

The amendment would reduce the reserve requirements under Rule 27d-1 by approximately 50 percent. The reserve requirement for "spread load" periodic payment plans governed by section 27(h) (15 U.S.C. 80a-27(h)) would not be affected by this amendment.

¹ Under section 27(d), periodic payment plan certificates typically issued with a 50 percent "front-end load," must provide that the certificate holder may surrender his certificate at any time prior to the expiration of eighteen months after issuance of the certificate and receive in payment thereof, in cash, the value of his account plus an amount from the underwriter for, or depositor of, the issuer equal to that part of the excess paid for sales loading which exceeds 15 percent of the gross payments made by the certificate holder ("18 month surrender right").

² Under section 27(f), a certificate holder, within 60 days after the issuance to him of his periodic payment plan certificate, must be given a written notice of his right to with-

EXPERIENCE UNDER SECTION 27(d) OF THE ACT

DATA AVAILABLE

Rule 27d-3 (17 CFR 270.27d-3) of the Act requires that issuers of periodic payment plan certificates subject to the surrender right of section 27(d) file data on their persistency and refund experience on Form N-27D-2. This form, which must be filed quarterly, lists the number of certificates outstanding at the end of the quarter and the number of refunds pursuant to sections 27(d) and 27(f) during the quarter. This data is classified according to the quarter in which the certificates were sold and the number of monthly payments made. Data on the 18 month "full cycle" experience for 32,500 front-end load certificates sold during the first two years after section 27(d) became effective, beginning in the third quarter of 1971 has been filed on Forms N-27D-2 and forms the statistical basis for the revisions proposed herein.³

EXPERIENCE OF THE SEGREGATED TRUST ACCOUNTS

Based on the aggregate 18 month "full cycle" experience reported on Form N-27D-2 for plans sold during the first two years after Rule 27d-1 became effective, and assuming a periodic payment plan with a sales load of 50 percent on the first 13 monthly payments, it appears that under Rule 27d-1 approximately \$3.50 was deposited in the segregated trust account for every \$1 refunded under both the 18 month and 45 day refund provisions.

Based upon this same experience but assuming the proposed reduction in the reserve requirements, approximately \$1.80 would have been deposited in the segregated trust account for every \$1 refunded under both the 18 month and 45 day refund provisions. This provides a margin of safety of about 1.8 to 1 which the Commission believes to be necessary because of fluctuations in the refund experience among different sponsors and over time.

COMMISSION ACTION

It is proposed to amend 17 CFR Chapter II by revising paragraphs (c) and (d) of § 270.27d-1 to read as follows:

§ 270.27d-1 Reserve requirements for principal underwriters and depositors to carry out the obligations to refund charges required by section 27(d) and section 27(f) of the Act.

(c) For every periodic payment plan certificate governed by section 27(d), the

draw from the plan within 45 days of the date of mailing the notice. Any certificate holder who exercises his right of withdrawal is entitled to receive a refund of the amount equal to the value of his account plus an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested, i.e., a complete refund of all charges (the "45 day refund").

³ A summary of the data on the sales, persistency and refund experience of front-end load contractual plans as reported on Form N-27D-2 is attached as Appendix A below.

depositor or principal underwriter shall deposit into the segregated trust account not less than 45 percent of the excess sales load on each of the first six monthly payments or their equivalent.

(d) For all periodic payment plan certificates governed by section 27(d) which have not been surrendered in accordance with their terms, and for which the depositor or principal underwriter may be liable for the refund of any sales load, the depositor or principal underwriter shall maintain in the segregated trust account an amount equal to not less than 15 percent of the total refundable sales load on the payments made on those certificates. The depositor or principal underwriter shall also maintain in the segregated trust account such additional amounts as the Commission by order may require for the depositor or principal underwriter to carry out refund obligations pursuant to sections 27(d) and 27(f) of the Act.

Attached to this Release as Appendix B below is a schedule of amounts proposed to be deposited and maintained in a segregated trust account on a \$100 per month periodic payment plan subject to the 18 month refund requirement of section 27(d) under the proposed amendment to Rule 27d-1.

Interested persons are requested to submit their views and comments on the proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, no later than October 15, 1975. All material should be designated File No. ST-582.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 29, 1975.

APPENDIX A

SUMMARY OF SALES, PERSISTENCY AND REFUND EXPERIENCE FOR FRONT-END LOAD CONTRACTUAL PLANS AS REPORTED ON FORM N-27D-2

Sales of front-end load plans. The number of front-end load plans sold has declined steadily since 1971, due to both a decline in the number of sponsors offering such plans and a decline in the number of plans sold per sponsor. In the third quarter of 1971, the first quarter for which Rule 27d-1 was effective, a total of approximately 8,000 plans sold were reported on Form N-27D-2 by 15 plan sponsors. By the fourth quarter of 1974, six plan sponsors were reporting new sales and they reported a total of approximately 600 plans sold.¹ Of the nine plan sponsors no longer reporting new sales, one has obtained an insurance company undertaking pursuant to Rule 27d-2 (17 CFR 270.27d-2) under the Act, four are selling spread load plans and four are no longer making new sales.

Not only have the number of sponsors of front-end load plans declined, but there has also been a decline in the number of plans sold by the six sponsors currently reporting new sales. Their sales declined from 4,400 plans for the third quarter of 1971 to 600 for the fourth quarter of 1974.

Persistency and refund experience. Table I below summarizes the industry wide persistency and refund experience reported by

¹ One of these six plan sponsors has since discontinued new plan sales.

issuers of periodic payment plan certificates on Form N-27D-2. The table shows the percentage of planholders requesting a 45 day refund, the percentage taking advantage of the 18 month surrender right, and the number of plans outstanding at the end of 18 months after issue, classified by the number of monthly payments made.

TABLE I.—PERSISTENCY AND REFUND EXPERIENCE FOR FRONT-END LOAD CONTRACTUAL PLANS

[As a percentage of plans originally sold]

45-d withdrawals.....	7.7
18-mo surrenders.....	12.9
Outstanding, 1-5 payments made.....	8.3
Outstanding, 6-13 payments made.....	7.6
Outstanding, 14-18 payments made.....	8.4
Outstanding, fully paid up.....	55.1
Total.....	100

As the Table indicates, 20.6 percent of the planholders took advantage of one or the other refund provisions. The portion of planholders taking advantage of the 18 month surrender right has been fairly stable, in the neighborhood of 12 percent to 14 percent, both among different sponsors and over time. There has been greater variation in the portion of planholders requesting a 45 day refund, generally in the range of 4 percent to 12 percent.

Out of the approximately 32,500 front-end load plans sold subject to Rule 27d-1, more than half (55 percent) were fully paid up at the end of 18 months. However, at the end

of 18 months, 15.9 percent of the original planholders had made 13 or less monthly payments but had not taken advantage of the 18 month refund privilege. Out of these, 8.3 of the original planholders had made 5 or less payments at the end of the 18 month period and, nevertheless, did not take advantage of the refund privilege.

Data was also filed on the number of payments made by planholders who requested 18 month and 45 day refunds. Table II, below, gives a breakdown of these planholders by number of payments made.

TABLE II.—Breakdown of 18-mo surrenders and 45 d refunds by number of payments made

[In percent]

	18 mo surrenders (12.9 pct of total plans sold)	45 d refunds (7.7 pct of total plans sold)
1 to 5 payments made.....	42.4	83.9
6 to 13 payments made.....	38.7	12.1
More than 14 payments made.....	18.9	4.0
Total.....	100.0	100.0

The table indicates that of those planholders exercising the 18 month surrender right, 18.9 per cent had made 14 or more payments. Also, of those planholders requesting a 45 day refund, 16.1 per cent had made 6 or more payments.

APPENDIX B.—Schedule of amounts to be deposited and maintained in the segregated trust account on a \$100 per month periodic payment plan subject to the 18-mo. refund requirement of sec. 27(d) under the proposed amendment to rule 27d-1

Number of minimum monthly payments	Total sales load ¹	Refundable sales load ²	Total deposits ³	Maintain ⁴
1	\$50	\$35	\$18.75	\$5.25
2	100	70	31.50	10.50
3	150	105	47.25	15.75
4	200	140	63.00	21.00
5	250	175	78.75	26.25
6	300	210	94.50	31.50
7	350	245	94.50	36.75
8	400	280	94.50	42.00
9	450	315	94.50	47.25
10	500	350	94.50	52.50
11	550	385	94.50	57.75
12	600	420	94.50	63.00
13	650	455	94.50	68.25
14	654	444	94.50	66.60
15	658	433	94.50	64.95
16	662	422	94.50	63.30
17	666	411	94.50	61.65
18	670	400	94.50	60.00
19	674	389	94.50	58.35

¹ Total sales load deducted, assuming 50 pct sales load on first 13 minimum monthly payments and 4 pct thereafter.

² Amount of sales load to be returned upon surrender.

³ Total of payments into the segregated trust account, equal to 45 pct of excess sales load on first 6 minimum monthly payments.

⁴ Minimum amount to be maintained in the segregated trust account, equal to 15 pct of refundable sales load.

NOTE: If more than 19 payments are made during the 18-mo period, the total deposits will remain at \$94.50 and the minimum amount to be maintained will equal 15 pct of refundable sales load.

[FR Doc. 75-24495 Filed 9-15-75; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN SCREWS FROM ITALY

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on August 11, 1975, alleging that payments or bestowals conferred by the Government of Italy upon the manufacture, production, or exportation of iron or steel cap screws, 1/4" in diameter and over, constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (herein referred to as the Countervailing Duty Law).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the Countervailing Duty Law within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than February 11, 1976, as to whether the alleged payments or bestowals conferred by the Government of Italy upon the manufacture, production, or exportation of iron or steel cap screws, 1/4" in diameter and over, constitute the payment or bestowal of a bounty or grant within the meaning of the Countervailing Duty Law. A final determination will be issued no later than August 11, 1976.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

VERNON D. ACKEE,
Commissioner of Customs.

Approved: September 11, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc. 75-24564 Filed 9-15-75; 8:45 am]

Office of the Secretary

UNITED STATES AND REPUBLIC OF TUNISIA

Announcement of Hold Discussions on an Income Tax Treaty

The Treasury Department today announced that representatives of the United States and the Republic of

Tunisia held preliminary discussions in Washington September 2 through September 4 to consider entering into an income tax treaty. Representatives of the two countries plan to meet in Tunis in the Spring of 1976 to begin formal discussions of a proposed bilateral income tax treaty.

At present there is no income tax convention between the two countries.

The proposed treaty is intended to prevent double taxation and to facilitate trade and investment between the two countries. It will be concerned with the tax treatment of income of individuals and companies from business, investment, and personal services, and the procedures for administering the provisions of the treaty.

The "model" income tax treaty developed by the Organization for Economic Cooperation and Development will be taken into account along with recent U.S. treaties with other countries, such as the treaty with Norway, which entered into force in 1972 and the treaties with Trinidad and Tobago and Japan, which entered into force in 1971 and 1972, respectively.

Persons wishing to make comments and suggestions about the discussion to be held with representatives of Tunisia should submit their views in writing to Charles M. Walker, Assistant Secretary of the Treasury, U.S. Treasury Department, Washington, D.C. 20220.

Dated: September 10, 1975.

DAVID S. FOSTER,
Acting International
Tax Counsel.

[FR Doc. 75-24563 Filed 9-15-75; 8:45 am]

[Dept. Cir.; Pub. Debt Series—No. 28-75]

TREASURY NOTES OF SERIES M-1977

Dated and Bearing Interest from September 30, 1975, Due September 30, 1977

SEPTEMBER 11, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for \$3,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series M-1977. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Day-

light Saving time, Tuesday, September 16, 1975, under competitive and non-competitive bidding, as set forth in Section III hereof. The 8% percent Treasury Notes of Series G-1975, maturing September 30, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated September 30, 1975, and will bear interest from that date, payable semiannually on March 31 and September 30, 1976, and March 31 and September 30, 1977. They will mature September 30, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000 and \$1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Tuesday, September 16, 1975. Each tender must state the face amount of notes bid for, which must be \$5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed \$500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowers thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or 8 3/4 percent Treasury Notes of Series G-1975 which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest 1/8 of 1 percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the \$3,000,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for \$500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made

or completed on or before September 30, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, 8 3/4 percent Treasury Notes of Series G-1975 (interest coupons dated September 30, 1975, should be detached), in other funds immediately available to the Treasury by September 30, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Thursday, September 25, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Tuesday, September 23, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new notes are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for Treasury Notes of Series M-1977 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series M-1977 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes

must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary
of the Treasury.

[FR Doc. 75-24693 Filed 9-12-75; 12:20 pm]

[Dept. Clr. Pub. Debt Series—No. 29-75]

TREASURY NOTES OF SERIES G-1978

Dated and Bearing Interest From
October 7, 1975, Due February 28, 1978
SEPTEMBER 11, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for \$2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series G-1978. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving Time, Wednesday, September 24, 1975, under competitive and non-competitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated October 7, 1975, and will bear interest from that date, payable on a semiannual basis on February 29 and August 31, 1976, and thereafter on February 28 and August 31 in each year until the principal amount becomes payable. They will mature February 28, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000 and \$1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving Time, Wednesday, September 24, 1975. Each tender must state the face amount of notes bid for, which must be \$5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed \$500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered.

Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest $\frac{1}{8}$ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the \$2 billion of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for \$500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before October 7, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by October 7, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Thursday, October 2, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Tuesday, September 30, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender, up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by

the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary
of the Treasury.

[FR Doc.75-24694 Filed 9-12-75; 12:20 pm]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 9, 1975.

The USAF Scientific Advisory Board Aerospace Vehicles Panel Committee on Gas Turbine Technology will hold a meeting on October 2, 1975, from 8:30 a.m. to 5 p.m. at NASA Lewis Research Center, Cleveland, Ohio.

The Committee will meet during the morning session to review NASA's exploratory and advanced development research programs for gas turbine engines. The afternoon session will be devoted to an Executive meeting.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and therefore the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-24629 Filed 9-15-75; 8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS
ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Monday and Tuesday, October 6 and 7, 1975, starting in the evening of October 6, in the HOLC Building, 320 First Street, N.W., Room 500, Washington, D.C. 20534.

The board will discuss Sub-Committee Reports, Status Reports, Target Areas for Funding and Staffing and Budget.

Signed at Washington, D.C., this 11th day of September 1975.

SHERMAN R. DAY,
Director.

[FR Doc.75-24737 Filed 9-15-75; 12:15 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 26499]

NEW MEXICO

Application

SEPTEMBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 31 N., R. 11 W.
Sec. 6, lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 7, lots 3 and 4.
T. 31 N., R. 12 W.
Sec. 12, lot 9;
Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$.

This pipeline will convey natural gas across .631 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico, 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-24632 Filed 9-15-75; 8:45 am]

[NM 26531]

NEW MEXICO

Application

SEPTEMBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one six-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
T. 23 S., R. 25 E.,
Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

This pipeline will convey natural gas across 1.2 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Man-

ager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-24633 Filed 9-15-75; 8:45 am]

[Wyoming 52432]

WYOMING

Application

SEPTEMBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W.,
sec. 2.

The pipeline will convey natural gas from the Tip Top #73X-26 well to the applicant's existing pipeline all in sec. 2, T. 28 N., R. 114 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENN M. LANE,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-24634 Filed 9-15-75; 8:45 am]

[Wyoming 52431]

WYOMING

Application

SEPTEMBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation, has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W.,
Sec. 27;
Sec. 28;
Sec. 32;
Sec. 33.

The pipeline will convey natural gas from the Fogarty Creek #1-32 well in sec. 32 to the applicant's existing pipeline in sec. 27, all in T. 28 N., R. 114 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and

address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENN M. LANE,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-24635 Filed 9-15-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., October 3, 1975, in Apollo Rooms I and II of the Sheraton Inn, Freeway 99 and Clinton Avenue, Fresno, California.

The purpose of the meeting is to: Review marketing policy matters for the 1975-76 crop year; discuss incentive proposals on export shipments; consider California's 1975 raisin production; consider the need for volume regulation during the 1975-76 crop year; review payment rates to handlers for services on reserve tonnage raisins; and review processing shrinkage for the 1975-76 reserve raisins. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat., 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California, 93720; telephone 209-268-5866.

Dated: September 11, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-24651 Filed 9-15-75; 8:45 am]

Farmers Home Administration

[Notice of Designation Number A262]

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Hanson County, South Dakota, as a result of a natural disaster consisting of drought June 1, 1974, through May 31, 1975; an early frost September 4, 1974; and a blizzard January 10 and 11, 1975, accompanied by highwinds, snow, and a chill factor of minus 60 degrees.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 20, 1975, for physical losses and May 21, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of September 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 75-24571 Filed 9-15-75; 8:45 am]

[Notice of Designation Number A251]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Cameron County, Texas, as a result of a natural disaster consisting of drought May 1, 1974, to May 1, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 20, 1975, for physical losses and May 21, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of September 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 75-24575 Filed 9-15-75; 8:45 am]

Forest Service

MEDICINE BOW NATIONAL FOREST TIMBER MANAGEMENT PLAN REVISIONS Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan Revisions for the Medicine Bow National Forest. The Forest Service report number is USDA-FS-R2-FES (Adm) FY-75-06.

The environmental statement concerns a proposal to revise the Timber Management Plan for the Medicine Bow National Forest in southeastern Wyoming. Such plans are required to regulate the flow of timber products from National Forest lands.

The draft environmental statement was transmitted to CEQ on December 31, 1974.

This final environmental statement was transmitted to CEQ on September 9, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070.

USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CLAYTON B. PIERCE,
Director, Multiple Use and
Environmental Quality Coordination.

SEPTEMBER 9, 1975.

[FR Doc. 75-24567 Filed 9-15-75; 8:45 am]

HORSE CREEK ADMINISTRATIVE- RESEARCH PROJECT

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Horse Creek Administrative-Research Project, Report Number USDA-FS-DES (Adm) R1-76-5.

The environmental statement concerns environmental impacts resulting from the study nature of the project including those on the pristine character of the roadless portion of the Meadow Creek drainage as developed through land use planning procedures of the Northern Region. Nezperce National Forest, Idaho County, Idaho.

The draft environmental statement was transmitted to CEQ on August 22, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

USDA Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.

USDA Forest Service, Selway Ranger District, Kootenai, ID 83539.

A limited number of single copies are available upon request to Forest Supervisor, Don Biddison, 319 East Main, Grangeville, ID 83530.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Don Biddison, Forest Supervisor, 319 E. Main, Grangeville, Idaho, 83530. Comments must be received by October 22, 1975 in order to be considered in the preparation of the final environmental statement.

DON BIDDISON,
Forest Supervisor, Nezperce
National Forest, Northern Region.

AUGUST 22, 1975.

[FR Doc. 75-24652 Filed 9-15-75; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

AUBURN UNIVERSITY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 75-23252, appearing at page 40564 in the issue of Wednesday, September 3, 1975, in the first column of page 40565, the second full paragraph, in Docket number: 76-00090-01-77095, in the fourth line after the word "Article:", the figure which now reads "PS-10" should read "PS-18".

[Organization Order 25-5A; Amdt. 2]

ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Delegation of Authority

This order, effective August 12, 1975, further amends the material appearing at 39 FR 27486 of July 29, 1974; and 40 FR 36608 of August 21, 1975.

Department Organization Order 25-5A, dated July 9, 1974, is hereby further amended as shown below. The purpose of this amendment is to delegate the Secretary's authority under the Atlantic Tunas Convention Act of 1975 to the Administrator of NOAA.

Section 3. Delegation of authority. A new subparagraph .02bb. is added to read as follows:

"bb. The functions assigned to the Secretary of Commerce by the Atlantic

Tunas Convention Act of 1975, P.L. 94-70."

ROGERS MORTON,
Secretary of Commerce.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-24618 Filed 9-15-75; 8:45 am]

Office of the Secretary

[Org. Order 10-3; Amdt. 4]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization, Function, and Delegation of Authority

This order, effective June 30, 1975, further amends the material appearing at 39 FR 27484 of July 29, 1974; 40 FR 8977 of March 4, 1975; 40 FR 12534 of March 19, 1975; and 40 FR 36604 of August 21, 1975.

Department Organization Order 10-3, dated July 5, 1974, is hereby further amended as shown below.

The purposes of this amendment are to:

a. Delegate authority to the Assistant Secretary under the Trade Act of 1974 to certify and decertify firms and communities as eligible to apply for adjustment assistance and to conduct certain studies and information functions under Section 264 in response to actions by the International Trade Commission.

b. Delete existing authority concerning adjustment assistance to firms under the Trade Expansion Act of 1962.

1. Section 4. Delegation of authority. Subparagraph .01q. is revised to read as follows:

"q. Chapters 3 and 4 of Title II of the Trade Act of 1974 (P. L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.) as they pertain to the certification of eligibility of firms and communities to apply or be considered for adjustment assistance; the termination of such certification; and the studies, information activities, and assistance in preparation of petitions required under Section 264 of the Act in response to investigations and affirmative findings of the International Trade Commission, except that reports to be submitted to the President shall be issued by the Secretary."

2. Section 5. Functions. Delete the phrase "trade adjustment assistance" from the seventh line of subparagraph c. and insert in lieu thereof "adjustment assistance certification."

Effective: June 30, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-24614 Filed 9-15-75; 8:45 am]

[Organization Order 10-2]

ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

Organization, Function, and Delegation of Authority

This order, effective August 4, 1975, supersedes the material appearing at 40 FR 3626 dated January 23, 1975.

Section 1. Purpose.

.01 This order prescribes the scope of authority and functions of the Assistant Secretary for Economic Affairs.

.02 This revision reflects the abolishment of the Social and Economic Statistics Administration and the establishment of the Bureau of the Census and the Bureau of Economic Analysis as primary operating units of the Department, reporting to the Assistant Secretary for Economic Affairs.

Section 2. Administrative designation.

The position of Assistant Secretary of Commerce heretofore designated as the Assistant Secretary for Economic Affairs shall continue to be so designated. The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

Section 3. Authority and functions.

.01 The Assistant Secretary for Economic Affairs shall serve as the principal economic adviser to the Secretary and as the Chief Economist of the Department. He shall serve as adviser to other Commerce officials with respect to economic matters and the economic impact of environmental matters, review relevant policy positions and recommendations, and serve as the Department's liaison with the Council of Economic Advisers and with other high-level economic officials of the Government.

.02 The Assistant Secretary shall also exercise policy direction and general supervision over the Bureau of the Census and the Bureau of Economic Analysis.

Section 4. Office of the Assistant Secretary for Economic Affairs.

In carrying out the functions in section 3. above, the Assistant Secretary shall be assisted by:

a. The Deputy Assistant Secretary for Economic Affairs, who shall be the principal assistant to the Assistant Secretary and shall assume the latter's full duties during his absence; and

b. The Environmental Economics Staff, which shall analyze the micro/macro economic impact of proposed or existing environmental laws, regulations and related actions on U.S. industry and business, including economic aspects of Environmental Impact Statements. The Staff shall perform this function on a Department-wide basis and provide economic analysis support to the Office of Environmental Affairs under the Assistant Secretary for Science and Technology, the Office of General Counsel, and other components of the Department.

Effective: August 4, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-24615 Filed 9-15-75; 8:45 am]

[Organization Order 35-2A]

BUREAU OF THE CENSUS

Organization, Function, and Delegation of Authority

This order, effective August 4, 1975, supersedes the material appearing at 37 FR 3461 of February 16, 1972; 38 FR 9451 of April 16, 1973; 40 FR 8981 of March 4, 1975; 39 FR 26768 of July 23,

1974; 39 FR 38405 of October 31, 1974; and 40 FR 31651 of July 23, 1975.

Section 1. Purpose.

This order delegates authority to the Director of the Census and prescribes the functions of the Bureau of the Census.

Section 2. Status and line of authority.

.01 The Bureau of the Census, established by the Act of March 6, 1902 (32 Stat. 51), is restored as a primary operating unit of the Department of Commerce.

.02 The Director of the Census (the "Director"), who is appointed by the President, by and with the advice and consent of the Senate, is the head of the Bureau. The Director shall report and be responsible to the Assistant Secretary for Economic Affairs.

.03 The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the former's absence.

Section 3. Delegation of authority.

.01 Pursuant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950 and 15 U.S.C. 1516, the Director is hereby delegated authority to perform the functions vested in the Secretary of Commerce under:

a. Title 13, United States Code;

b. Section 1516 of Title 15, United States Code, which relates to gathering and distributing statistical information, as applicable to the functions assigned therein; and

c. Section 8 of Executive Order 10999, which directs the Secretary to provide, as required for emergency planning purposes, for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and government.

.02 The Director of the Census may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Director may delegate his authority to any employee of the Bureau subject to such conditions in the exercise of such authority as he may prescribe.

Section 4. Functions.

The Bureau of the Census shall perform the following functions:

a. In cooperation with business and industry, Government, and other public or private organizations conduct censuses and surveys and otherwise collect, process and analyze statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States or other areas prescribed by law, and publish and disseminate the resulting statistics for use by business, Government agencies and the public;

b. Conduct special statistical studies on domestic and foreign trade, business services, industry, transportation, construction, agriculture, population and housing, and on Federal, State and local governments; and, based thereon, issue reports, special tabulations and monographs;

c. Conduct statistical and other research and development activities directed toward improving quality and lowering costs of censuses and surveys; and achieving more effective censuses and surveys; and

d. Develop and maintain a statistical directory of establishments engaged in economic activity in the United States for use by and for Federal agencies for statistical purposes, taking care to preserve the confidentiality of information obtained for the Bureau from other Federal agencies, as may be deemed appropriate or as may be required by law.

Section 5. Savings provision.

All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, and other action issued, undertaken or entered into by or for the Social and Economic Statistics Administration shall remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

Section 6. Transitional provisions.

The Assistant Secretary for Administration shall establish the effective date of the necessary transfers of funds and positions and/or personnel from the Social and Economic Statistics Administration and, in cooperation with the Assistant Secretary for Economic Affairs, determine the amount of funds, positions, and personnel to be transferred.

Effective: August 4, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-24616 Filed 9-15-75;8:45 am]

[Organization Order 35-1A]

BUREAU OF ECONOMIC ANALYSIS

Organization, Function, and Delegation of Authority

This order, effective August 4, 1975, supersedes the material appearing at 37 FR 3461 of February 16, 1972; 38 FR 9451 of April 16, 1973; 40 FR 8981 of March 4, 1975; 39 FR 26768 of July 23, 1974; 39 FR 38405 of October 31, 1974; and 40 FR 31651 of July 23, 1975.

Section 1. Purpose.

This order delegates authority to the Director of the Bureau of Economic Analysis and prescribes the functions of the Bureau of Economic Analysis.

Section 2. Status and line of authority.

01 The Bureau of Economic Analysis is hereby established as a primary operating unit of the Department of Commerce.

02 The Bureau of Economic Analysis shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Economic Affairs. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the former's absence.

Section 3. Delegation of authority.

01 Pursuant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950 and 15 U.S.C. 1516, the Director is

hereby delegated authority to perform the following functions vested in the Secretary of Commerce under:

a. Section 1516 of Title 15, United States Code, which relates to gathering and distributing statistical information, as applicable to the functions assigned herein;

b. Chapter 5 of Title 15, United States Code, which relates to the authorities and functions of the former Bureau of Foreign and Domestic Commerce, as applicable to the functions assigned herein;

c. Executive Order 10033 of February 8, 1949, which relates to the provision of statistical information to inter-governmental organizations, as applicable to the functions assigned herein; and

d. The Foreign Investment Study Act of 1974 (Public Law 93-479, 88 Stat. 1450), which provides for a comprehensive, overall study of foreign direct investments in the United States. The functions thereunder shall be carried out in close coordination with the Assistant Secretary for Domestic and International Business (Department Organization Order 10-3, paragraph 4.01w.), including thereunder to the extent feasible the division or assignment of responsibilities. Any regulations established to carry out functions under the Act and reports to be submitted to the Congress are to be issued by the Secretary.

02 The Director, Bureau of Economic Analysis, may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

03 The Director may delegate his authority to any employee of the Bureau subject to the conditions in the exercise of such authority that he may prescribe.

Section 4. Functions.

The Bureau of Economic Analysis shall perform the following functions:

a. Maintain and improve the economic accounts of the United States including the national income and product, wealth, input-output, balance of payments, and regional accounts;

b. Maintain and improve econometric and other research techniques for analyzing the economic situation and short- and long-term outlook;

c. Conduct selected surveys to obtain information necessary to maintain and improve the accounts and to analyze the economic situation and outlook;

d. Develop and maintain a system of leading, lagging, and coincident business cycle indicators;

e. Analyze the economic situation and outlook, publish reports thereon, and brief Federal officials and public and private groups on the present and projected state of the economy;

f. Provide special analyses to officials of the Government, as may be requested, on the economic impact of alternative economic policies;

g. Conduct demographic and economic studies of foreign countries; and

h. Serve as the central economic research organization of the Department on the functioning of the economy, and collaborate with other primary operating units and private and public research or-

ganizations which require or can contribute to its research.

Section 5. Savings provision.

All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, and other action issued, undertaken or entered into by or for the Social and Economic Statistics Administration shall remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

Section 6. Transitional provisions.

The Assistant Secretary for Administration shall establish the effective date of the necessary transfers of funds and positions and/or personnel from the Social and Economic Statistics Administration and, in cooperation with the Assistant Secretary for Economic Affairs, determine the amount of funds, positions, and personnel to be transferred.

Effective: August 4, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-24617 Filed 9-15-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

FILE OF ANNUAL REPORTS

Availability

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Reports for the following Center for Disease Control Committees have been filed with the Library of Congress:

Coal Mine Health Research Advisory Committee
Safety and Occupational Health Study Section
Immunization Practices Advisory Committee
Medical Laboratory Services Advisory Committee
Tuberculosis Control Advisory Committee
Venereal Disease Control Advisory Committee

Copies are available to the public for inspection at the Library of Congress on weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, DHEW North Building, Room 1436, 330 Independence Avenue SW, Washington, D.C. 20201, telephone 202-245-6791.

Dated: September 8, 1975.

WILLIAM C. WATSON, Jr.,
Assistant Director,
Center for Disease Control.

[FR Doc.75-24770 Filed 9-15-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. FI-561]

CITY OF BETHEL, ALASKA

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973

(Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Bethel under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Bethel, Alaska.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Kuskokwin River	Browns Slough	32	(1)	14,156
	Intersection Main St. and 1st Ave.	32	50	15,000
Browns Slough	Prospect Rd.	32	1,350	1,850

¹ To study boundary.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 75-24619 Filed 9-15-75; 8:45 am]

[Docket No. FI-565]

CITY OF LADUE, MO. Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Ladue under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 9345 Clayton Road, Ladue.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Country club drainage	North corporate limits	624	50	50
	Dielman Rd.	575	200	175
	McKnight Rd.	517	175	150
Black Creek	North corporate limits	527	130	75
	Painter Lane	504	125	75
	East corporate limits	489	(C)	260
Deer Creek	West corporate limits	517	340	180
	Clayton Rd.	506	400	300
	Log Cabin Lane	485	375	160
	Litzinger Rd.	475	180	460
	East corporate limits	471	675	400
Twomile Creek	West corporate limits	507	280	100
	Bridle Creek Lane extended	486	80	130
	Trent Dr.	481	150	90
Schago Drainage	Kenmont Rd.	506	80	75
	DesPeres Ave.	488	200	70

¹ Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.75-24621 Filed 9-15-75; 8:45 am]

[Docket No. FI-554]

FAIRHAVEN, MASS.

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Fairhaven under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Center Street, Fairhaven.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from shoreline to 100-yr flood boundary
Priests Cove	Egypt Lane	13	1,850
	Highland St.	13	190
Little Bay	Weeden St.	13	2,520
Nasketucket Bay	Grandview Ave.	13	800
Buzzard's Bay	Fisherman Rd.	13	800
	Littleneck Rd.	13	810
	Causeway Rd.	13	1,290

¹ To dike.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.75-24620 Filed 9-15-75; 8:45 am]

[Docket No. FI-563]

BOROUGH OF WEST READING, PA.

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)),

hereby gives notice of his final determinations of flood elevations for the Borough of West Reading under 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to

or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 500 Chestnut Street, West Reading, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	West Buttonwood St.	215	(¹)	340
	Franklin St.	213	(¹)	735
	Spruce St.	212	(¹)	490
	7th Ave.	217	100	(¹)
Wyomissing Creek	Parkview Rd.	212	125	40

¹ Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.75-24622 Filed 9-15-75; 8:45 am]

[Docket No. FI-562]

VILLAGE OF READSTOWN, WIS.

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128; and 24 CFR Part 1917 § 1917.10), hereby gives notice of his final determinations of flood elevations for the Village of Readstown under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Municipal Building, Readstown.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Kickapoo River (without LaFarge Dam).	North corporate limits	746	365	175
	Charles St.	742	375	75
	Kickapoo St.	741	980	150
	South corporate limits	738	1,698	625
	North corporate limits	742	290	240
Kickapoo River (with LaFarge Dam).	Charles St.	740	350	65
	Kickapoo St.	738	850	110
	South corporate limits	736	1,640	610
	West corporate limits	746	765	170
Reads Creek	Route 61 to 131	746	350	200

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.75-24623 Filed 9-15-75; 8:45 am]

Office of the Secretary

[Docket No. D-75-372]

SECRETARY OF COMMERCE

Delegation of Authority

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to Section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 F.R. 25939, dated July 11, 1974), I hereby delegate to the Secretary of Commerce, subject to the general policy guidance and coordination of the Administrator of the Federal Disaster Assistance Administration certain of the authority, functions and powers granted by Section 202 of the Disaster Relief Act of 1974 (hereinafter, "the Act," 88 Stat. 143, 42 U.S.C. 5121 Note) with respect to disaster warnings for a hurricane, tornado, storm, flood, high water, wind driven water, tidal wave, tsunami, snowstorm, drought, or other meteorological catastrophe, to wit:

1. The authority contained in Section 202(b) of the Act (with the exception of the authority to direct appropriate Federal agencies to provide technical assistance) to provide technical assistance to State and local governments to ensure that timely and effective disaster warning is provided;

2. The authority contained in Section 202(c) of the Act to utilize or to arrange for the use, where practicable, by Federal, State, and local agencies the facilities of any Federal communications system (other than the civil defense communications system established and maintained pursuant to Section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c))) for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters;

3. The authority contained in Section 202(d) of the Act to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable (upon approval by the FDAA Administrator when Disaster Relief Act funds are involved) or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters; and

4. The authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

AUTHORITY: Disaster Relief Act of 1974, 42 U.S.C. 5121 Note; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11795, signed July 11, 1974, 39 F.R. 25939.

Effective Date: This delegation shall take effect on September 16, 1975.

CARLA A. HILLS,
Secretary of Housing and
Urban Development.

I consent:

ROGERS C. B. MORTON,
Secretary of Commerce.

[FR Doc.75-24579 Filed 9-15-75; 8:45 am]

[Docket No. D-75-371]

ASSISTANT ADMINISTRATOR, NEW COMMUNITIES ADMINISTRATION FIRST ASSISTANT TO THE GENERAL MANAGER, NEW COMMUNITY DEVELOPMENT CORPORATION

Designation as Acting Administrator, New Communities Administration; First Assistant to the General Manager, New Community Development Corporation

Section A. Designation. Melvin Margolies, Assistant Administrator, New Communities Administration, is designated to serve as Acting Administrator, New Communities Administration during an absence or vacancy in the Office of the Administrator. He is also designated first assistant to the General Manager of the New Community Development Corporation and is authorized to exercise the authority of the General Manager during an absence or vacancy in the latter position with all the powers, duties, and responsibilities of the General Manager.

Section B. Supersession. The designation dated July 15, 1974 (39 FR 25968) for the Acting General Manager, Community Development Corporation, and Acting Administrator, New Communities Administration is hereby revoked.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); 5 U.S.C. 3349)

Section C. Effective date. This designation is effective July 15, 1975.

CARLA A. HILLS,
Secretary of Housing and
Urban Development.

[FR Doc.75-24580 Filed 9-15-75; 8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

**Federal Aviation Administration
MICROWAVE LANDING SYSTEM
ADVISORY COMMITTEE**

Renewal

Notice is hereby given that the Microwave Landing System Advisory Committee is being renewed. The Systems Research and Development Service is the sponsor of the Committee which consists of a group of 20 experts on the design and use of microwave landing systems. The Committee reviews the development efforts which are underway and advises

the Director, Systems Research and Development Service, regarding the feasibility of such activities; keeps informed of the operational needs of the users; recommends Government and industry studies, tests, and simulations to verify the system capability for satisfying the operational needs of the users; and provides advice and ideas on, or methods to achieve solutions to, technical problems and concept choices.

The Secretary of Transportation has determined that the formation and use of the Microwave Landing System Advisory Committee are necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., on September 9, 1975.

DAVID J. SHEFTEL,
Director, Systems Research
and Development Service.

[FR Doc.75-24518 Filed 9-15-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28397; Order 75-9-30]

AERONAVES DE MEXICO, S.A.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of August 1975.

By tariff revisions filed July 29, 1975 for effect September 13, 1975, Aeronaves de Mexico, S.A. (Aeromexico) proposes to reduce all passenger fares between Miami, Philadelphia and New York, on the one hand, and various Mexican cities, on the other hand, to the level of the corresponding fares between the United States and Mexico City.¹

Pan American World Airways, Inc. (Pan American) has filed a complaint requesting suspension and investigation of the fares on the grounds of reasonableness and unjust discrimination. Pan American asserts that the Board has, historically, disapproved of common-faring in both domestic and international markets, citing Docket 21866-9, "Domestic Passenger-Fare Investigation (Phase 9)" Order 74-3-82, March 18, 1974. It is contended that, since the mileages from Miami to these cities exceed that to Mexico City by at least 15 percent in all markets and by one-third in the case of Puerto Vallarta, the proposed fares cannot be justified on a mileage basis; and that the last IATA agreement, to which Aeromexico was a party, provided for add-ons over Mexico City for construction of through fares to beyond points. The economic impact on

Pan American will allegedly be particularly severe since Aeromexico requires its full local fare on prorates for carriage within Mexico, and it will receive less than its Miami-Mexico City fare from passengers moving beyond to ultimate destination.²

Upon full consideration of the tariff filing, Pan American's complaint, and all other relevant factors, the Board finds that the proposed fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

Although there are circumstances which may warrant common-rating the Board does not favor such an approach as a general rate-making principle, particularly where there is such a wide variance in mileage, as is the case here, where the differences range up to 1,382 miles on around-trip basis. The result of Aeromexico's proposal would be a significant reduction in carrier yields in major U.S.-Mexico markets which would appear inconsistent with the fact that the IATA carriers, including Aeromexico, saw fit to propose a six percent general increase in U.S.-Mexico fares at the most recent IATA Western Hemisphere Traffic Conference, and to agree on specific add-ons over Mexico City for fares to the beyond points involved. Aeromexico has provided no justification other than a copy of instructions from the Mexican government which state that the purpose is "to increase tourism." We recognize Mexico's legitimate interest in promoting tourist travel. However, this objective should not be accomplished at the expense of the air carriers, either U.S. or foreign. Moreover, as Pan American points out, Aeromexico requires its full local fare on prorates of joint transportation from Mexico City to beyond destinations and, thus, the adverse financial impact on U.S. carriers would be particularly severe. For these reasons, the Board concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801 and 1002(i) thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions on the tariff pages in the Appendix hereto³ and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

¹ The Mexican points are Cozumel, Cancun, Merida, Oaxaca, Acapulco, Zihuatanejo, Guadalajara, Manzanillo, and Puerto Vallarta. The fares were filed by Air Tariffs Corp., Agent, in Tariff C.A.B. No. 54, on 7th Revised Pages 85 and 86, 8th Revised Pages 87 and 88, 9th Revised Page 89, and 6th Revised Pages 98 and 99.

² By late-filed complaints dated August 18 and 19, 1975, respectively, Eastern Air Lines, Inc. and American Airlines, Inc. also request suspension and investigation of the fares for the same reasons presented by Pan American.

³ Filed as part of the original document.

2. Pending hearing and decision by the Board, the fares and provisions of the tariff pages specified in paragraph 1 above are suspended and their use deferred to and including September 12, 1976 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President* and shall become effective September 13, 1975;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

5. Copies of this order be served upon Aeronaves de Mexico, S.A. and Pan American World Airways, Inc., which are hereby made parties to this investigation; and

6. Except to the extent granted herein, the complaints of Pan American World Airways, Inc., Eastern Air Lines, Inc., and American Airlines, Inc., in Dockets 28142, 28189, and 28190, respectively, be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-24601 Filed 9-15-75; 9:45 am]

[Docket No. 26510]

DOMESTIC NIGHT COACH FARE INVESTIGATION

Postponement of Hearing

Notice is hereby given that, upon request of the Bureau of Economics, the hearing in the above-entitled proceeding, previously assigned to be held on September 29, 1975 (40 FR 40193, September 2, 1975), is postponed to October 8, 1975, at 10:00 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., September 10, 1975.

[SEAL] GREER M. MURPHY,
Administrative Law Judge.

[FR Doc. 75-24598 Filed 9-15-75; 8:45 am]

[Docket No. 25280; Agreement C.A.B. 23757 (CR-7) and 24475 (R-2 and R-3); Order 75-9-27]

IATA LIVE ANIMALS REGULATIONS

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of September 1975.

By Order 74-11-15, November 1, 1974, the Board approved, inter alia, IATA Resolution 511a establishing and making binding on member carriers certain standards for the acceptance and transport of live animals as set forth in the IATA Live Animals Regulations (4th

Edition).¹ However, the Board noted that the Live Animals Regulations manual itself referred to in that Resolution had not been concurrently filed with the Board. Consequently, the Board's approval of Resolution 511a did not extend to the Live Animals Regulations manual, and action on the Regulations was deferred pending the filing thereof with the Board.

A copy of the Fourth Edition of the IATA Live Animals Regulations (Regulations) was then submitted to the Board for approval. By Order 75-1-51, January 14, 1975, the Board called for comments on the proposed Regulations.

Comments have been received from two shipper groups, i.e., The Pet Industry Parties (PIP), and the American Association of Zoological Parks and Aquariums and Zoological Action Committee (ZooAct).

PIP essentially requests that the IATA Regulations be approved, subject to conditions which would (1) establish such Regulations as having the status of a governing rules tariff by an appropriate cross-reference thereto in rate tariffs; (2) clarify various ambiguous and nebulous words and terms throughout the Regulations; (3) delete provisions purporting to establish liability (or lack thereof), as they are improper in such a document; (4) delete various Container Notes and/or general requirements since they are archaic and unrealistic; and (5) establish machinery for an on-going, permanent liaison between the IATA Live Animals Board and shippers.

ZooAct's comments are in substantial accord with PIP, and, in addition, specifically oppose the packaging provisions in Container Note 21 concerning large marine animals, as well as Trans World Airlines, Inc.'s (TWA) prohibition against carriage of snakes.²

Seaboard World Airlines, Inc. (Seaboard) (a nonmember of IATA) has filed a protest against its being listed as a participating carrier in the Regulations. Delta Air Lines, Inc. (Delta) has filed a comment in support of the concept of mandatory, uniform practices concerning live animals.

TWA has responded to the comments of PIP and ZooAct, stating that (1) the IATA Live Animal Board is eminently qualified; (2) the IATA Regulations represent much time, effort, and expertise on the part of the carriers; (3) any conflicts between the Regulations and current tariff provisions should obviously be resolved in favor of the tariff rules; (4) the current procedures whereby the public can correspond with the Live Animal Board fully accommodate the needs of

shippers; (5) the carriers need to state that they are not responsible for pre-existing animal health problems; (6) the packaging specifications are not rigid, and any container made of any material is satisfactory provided it complies with the IATA principles of design; and (7) with respect to its own exceptions in the IATA Regulations, TWA defends them on the grounds that (a) a general rule is necessary to permit the carrier to refuse live traffic for a particular flight because of adverse weather conditions to safeguard the health of the animal(s), and (b) its prohibition against live snakes is necessary to harmonize with its currently effective domestic restriction,³ and because the IATA packaging for such traffic is inadequate.

Upon consideration of the foregoing comments as well as a review of the Regulations in question, the Board will again defer action pending receipt of further comments on the following issues.

As a threshold issue, we start with the premise that a single document containing all the usual tariff material⁴ as to the acceptance, nonacceptance, packaging, documentation, etc., concerning live animal traffic, plus relevant nontariff material concerning shipper preparations prior to tender, suggested guidelines for carrier employee care and handling, etc., is a highly desirable publication. Absent such consolidation of tariff and nontariff material in a single document, and were we to require the filing of only the tariff matter contained therein, the carriers would very likely continue the IATA Regulations as they now exist (as an IATA agreement binding on all participants), and extract therefrom and file as separate carrier tariffs only the true tariff matter. Thus duplication and perhaps conflicts could exist and shippers would be denied the advantages of a single reference. A variety of local and interline tariff provisions could result as the carriers separately decide which portions, if any, of the IATA Regulations warranted publication in their tariffs. For these reasons, the Board believes the entire IATA Regulations document should be filed as a tariff, thus establishing its authority as a governing rules tariff in conjunction with rate tariffs. This would require cancellation of all existing tariff rules dealing with live animals (other than general provisions concerning lia-

¹ The suspension of TWA's similar domestic rule pursuant to Order 74-1-79 expired with July 13, 1974.

² In this regard, we note that the Board, in its decision in the Investigation of Premium Rates for Live Animals and Birds (Docket 21474, Order 73-6-103), ordered the carriers to file as a tariff all the rules, regulations, and practices they intend to impose for the transportation of live animals, including all the practices presently being published in extra-tariff material. The consent of those tariffs with respect to domestic transportation is presently in issue in Docket 26310, Investigation of Rules and Practices Relating To The Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation.

³ This order was submitted to the President on August 29, 1975.

⁴ Previous versions of Resolution 511a constituted recommended practices and guidelines only.

⁵ TWA's International Cargo Rules Tariff C.A.B. No. 3 prohibits the carriage of snakes and poisonous reptiles (e.g., Gila monsters), whereas TWA's exception to the IATA Regulations prohibits only snakes. In addition, other international cargo rules tariffs in which TWA participates as an interline carrier do not mirror the online prohibition against snakes, e.g., Air Tariffs Corporation Tariff C.A.B. No. 48.

bility and rates).⁵ In our view, the unique problem inherent in the air transportation of live animals will be best served by the essentially uniform governing document described herein.⁶

On consideration of these matters, we tentatively find and conclude that the IATA Live Animals Regulations must be filed with the Board as a tariff pursuant to the requirements of section 403(a) of the Federal Aviation Act. With the IATA resolution making compliance with the Regulations mandatory, it follows that the Regulations cover "classifications, rules, regulations, practices and services" in connection with air transportation which, pursuant to section 403(a) and sec. 221.38 of the Board's Economic Regulations, must be filed as tariffs.

The Board is very sympathetic with the shipper's view⁷ on public liaison with the IATA Live Animals Board. The present shipper liaison with IATA through member-carriers only, and by correspondence only,⁸ is patently inadequate and inequitable. We do not feel, however, that future liaison should be achieved only by mutual, face-to-face discussion, although more of such exchange would surely be helpful. Rather, what seems to be needed is (1) a direct shipper contact with IATA; (2) a prompt IATA acknowledgement thereof; (3) a publicly announced scheduling of all proposals for consideration by the IATA Board; (4) an opportunity and sufficient time for shippers or any other interested person to submit relevant comments and/or arrange for appearances in person before the IATA Board; (5) prompt disposition of the matter by said Board; (6) notice thereof to all interested persons; and (7) filing each amendment with the C.A.B. for approval prior to implementation in the tariff.⁹

We recognize that some of the material in the Regulations is not tariff material

⁵ Present cargo rules tariffs governing international live animal traffic contain numerous provisions which are at variance with the proposed IATA Live Animals Regulations. For example, TWA's International Cargo Rules Tariff prohibits live snakes and poisonous reptiles, whereas Exception TW-01 in the IATA Regulations prohibits only snakes. Thus a poisonous reptile such as a Gila monster is excluded under TWA's tariff, but not under the IATA Regulations.

⁶ Inconsistent IATA resolutions, such as resolution 607 on labeling standards, should also be deleted or corrected (see Appendix A, Par. 4).

⁷ As used here, shipper is intended to encompass actual shippers of live animal traffic as well as those persons interested in such traffic from the humane view, container and packaging experts, and similar representatives of such secondary levels of interest.

⁸ While TWA states that shippers may contact the IATA Live Animals Board directly, there is no such clear invitation appearing in the Regulations, nor are the names, affiliations, and addresses of the Board members shown.

⁹ Shippers would, of course, with respect to proposed amendments disapproved by the IATA Board, have the right to protest to the C.A.B. that the basic regulations, without the amendments, are adverse to the public interest.

but rather constitutes useful information and "good advice" on animal carriage. This information essentially complements and supplements the binding rules which must be filed as tariffs. The best procedure for accommodating all interests in these circumstances is, in our view, the filing of the complete Regulations as a tariff with such cleanup in both content and format as may be warranted to more clearly distinguish matter in the Regulations which constitutes part of the contract of carriage, binding on both carrier and shipper, and which hence must be filed in tariffs, on the one hand, and informational matter, on the other hand. This distinction can be worked out by printing in differing type, different color of pages, etc. In any event the effort must be made so that the public is aware of those provisions with which it must comply or risk refusal of its traffic.

There are also certain specific provisions in the IATA Regulations and related agreements which on their face appear to be of questionable validity. These matters are set forth in detail in the Appendix A hereto and may warrant revision prior to the acceptance of the Regulations as a tariff. The carriers and all other interested persons are invited to file comments on these provisions.

Accordingly, it is ordered, that:

1. All carriers party to the IATA Live Animals Regulations and all interested persons are directed to show cause:

(a) Why the Board's earlier approval of Resolution 511a should not be withdrawn until the Live Animals Regulations are filed with and accepted by the Board as a tariff;

(b) Why Resolution 511b should not be disapproved in the absence of public (shipper, consignee, or other interested person) input and participation relating to amendment of the Live Animals Regulations by the IATA Live Animals Board;

(c) Why the Board's earlier approval of Resolution 607, insofar as it relates to standard labels for live animal shipments, should not be withdrawn in view of the fact that certain standard labels are at variance with those contained in the Live Animals Regulations;

(d) Why all current tariff rules of the IATA and non-IATA carriers participating in the Live Animals Regulations (except liability and rate provisions) should not be canceled when the Live Animals Regulations are filed in tariff form;

(e) Why the Live Animals Regulations should not reflect the participation of all IATA member carriers for all local and interline traffic from and to the U.S.;

(f) Why all non-IATA carriers serving the U.S., and which elect to participate in the IATA Live Animals Regulations for interline traffic from and to the U.S., should not be required to adopt the IATA Regulations for local traffic from and to the U.S.;

2. All interested persons shall, within thirty days from the date of service of this order, file comments in support of or in opposition to the findings and con-

clusions as set forth herein (including Appendix A hereto);

3. Any answers or replies to the foregoing comments and/or objections shall be filed within 45 days from the date of service of this order; and

4. Copies of this order will be served upon the International Air Transport Association, the Pet Industry Parties, the American Association of Zoological Parks and Aquariums, the Zoological Action Committee, and the following U.S. certificated scheduled direct air carriers which are not members of IATA:

Airline International, Inc.,
Alaska Airlines, Inc.,
Aloha Airlines, Inc.,
Frontier Airlines, Inc.,
Hawaiian Airlines, Inc.,
Hughes Air Corp.,
Northwest Airlines, Inc.,
Ozark Air Lines, Inc.,
Piedmont Aviation, Inc.,
Seaboard World Airlines, Inc.,
Southern Airways, Inc.,
Texas International Airlines, Inc.,
Western Air Lines, Inc.,
Wien Air Alaska, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

FURTHER TENTATIVE FINDINGS AND CONCLUSIONS OF THE C.A.B. ON THE IATA LIVE ANIMALS REGULATIONS AND RELATED IATA AGREEMENTS

1. *Participating Carriers.* When the IATA Live Animals Regulations are filed as a tariff, Seaboard and certain other nonmembers of IATA would be party thereto for only interline traffic exchanged with IATA carriers.¹ Seaboard and such other carriers would therefore still be free to maintain their own separate tariff provisions on live animal traffic transported solely over their own lines or interchanged with other non-IATA carriers. These separate tariffs would likely differ from the IATA Regulations, at the least in implementing changes which were otherwise acceptable to the non-IATA carriers. Hence such carriers would continually hold out differing requirements depending upon the character of the routing. This result is undesirable.

The Board is of the view that the matter of non-IATA-member-carrier voluntary participation in the IATA Interline Cargo Agreement, and the resulting mandatory participation of such carriers in the IATA Live Animals Regulations for interline traffic only is the root cause of this problem. In lieu thereof, the Board therefore suggests that such participation in the regulations also be on a voluntary basis, provided that such election shall include application to local interline traffic as well.

2. *Clarification of words and phrases.* The IATA Regulations often use the word "shall" which is mandatory in the tariff sense, and thus constitutes a part of the contract of carriage, as is the word "must." The word

¹ Seaboard, like many other nonmembers of IATA (including 13 other certificated U.S. scheduled airlines) are bound by the IATA Live Animals Regulations, on interline traffic only, because of their election to participate in the IATA Interline Cargo Traffic Agreement (IATA Resolution 850K, Article III (1)).

"should" is obviously not binding, nor is the word "may"; hence such terms are unacceptable if the text is intended to be part of the contract of carriage. In addition, phrases such as "Wire mesh is used * * *" are not as commanding as "Wire mesh shall be used * * *".

The Board is of the view that the language of the Regulations must be specific and mandatory if the provision is to be an element of the contract of carriage. See also § 221.38(e) of the Board's Economic Regulations. Conversely, where the provisions are not intended as mandatory upon shipper or carrier, but rather as educational and helpful suggestions prior to shipping, care in transit, etc., they should be clearly marked as such.

3. *Archaeic packaging.* The Zoo parties cite only the packaging for large aquatic mammals as archaic, whereas PIP expresses a general view of this nature, but with no specific criticisms.

The Board believes that the Zoo parties should promptly submit to IATA their views on appropriate packaging, and that IATA should give them prompt consideration. Similarly, PIP should provide IATA with specific proposals.

4. *Standard labels for live animals.* IATA Resolution 607 prescribes certain standard shipping labels, including several pertaining to live animal shipments. The proposed Live Animals Regulations also includes certain labels for live animal shipments. Thus a duplication—and to some degree conflict—exists.

Accordingly, the Board considers a withdrawal of its earlier approval of Resolution 607, insofar as it relates to standard labels or live animal shipments, as required in view of the fact that the standard labels are at variance with those contained in the Live Animals Regulations.

5. *Provisions on liability and rates.* Carrier liability provisions are embodied in the IATA Conditions of Carriage for Cargo (IATA Resolutions 600b and 600f), and are currently pending Board review and action (Agreement C.A.B. 24475, R-4 and R-5). We do not believe the Live Animal Board should concern itself with such matters as paragraph (16) of the Regulations quoted below.²

Similarly, Paragraph 13(b) of the regulations has a clear and adverse effect upon the applicable rate and charges, again a matter beyond the proper purview of the Live Animals Board.³

The Board believes that live animal shipment liability rules should be contained in the general carrier liability rules provisions, not in the Regulations, and that, therefore, the referenced provisions should be canceled.

6. *Carriage of pets in passenger cabins as unaccompanied baggage.* Although the Regulations are generally oriented to freight transportation only, section X thereof covers pets carried in the passenger cabin.

The Board notes that present international passenger rules tariffs typically contain extensive provisions on acceptance of pets as

cabin or checked baggage. Thus, if the Regulations become a governing tariff, duplication and conflict vis-a-vis present passenger rules tariffs will result.

The Board believes that the carriers should remove the provisions in section X concerning the carriage of pets in passenger cabins (as accompanied baggage),⁴ unless they are also willing to establish the IATA Regulations as a governing tariff for live animals moving as passenger baggage, in conjunction with the cancellation of all existing provisions thereon in their passenger rules tariffs.

7. *Other carrier and governmental exceptions.* The Board sees little reason for any exception to the general provisions of the Regulations, such as described in the body of this Order, at least until such time as they may be more fully documented and supported. In the interim, it behooves the carriers, the IATA Live Animals Board, and interested shippers to carefully, thoroughly, and promptly review all exceptions with an eye to cancellation, or alternatively, adoption as a new industry standard. In the latter case, of course, any such industry adoption of a more restrictive exception provision would require substantial justification.

[FR Doc.75-24602 Filed 9-15-75; 8:45 am]

MCDONNELL DOUGLAS CORP.

Postponement of Meeting

Notice is hereby given that the presentation by McDonnell Douglas Corporation regarding a study made on a new forecast of air traffic through 1985 and scheduled to be held on September 19, 1975, at 2:30 p.m. (40 FR 42044, September 10, 1975), is hereby postponed. Further notice will be given when the meeting is rescheduled.

Dated at Washington, D.C., September 11, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-24599 Filed 9-15-75; 8:45 am]

[Docket 28195]

WORLDWAYS AIRLINES, LTD. CHARTER PERMIT APPLICATION (CANADA)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 3, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 23, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

⁴Only Container Note 3 (Primates), Note 6 (small, fourfooted, wild animals, but including guinea pigs, hamsters, and rabbits), Note 7 (cats and dogs), and Note 13 (small and medium aquatic animals, reptiles, and the like) are cross-referenced to section X on pets, and thus eligible under section X of the Regulation for carriage as pets in the cabins.

Dated at Washington, D.C., September 10, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-24600 Filed 9-15-75; 8:45 am]

[Docket No. 26943]

AEROAMERICA, INC., GAC CORPORATION, AND MODERN AIR TRANSPORT, INC.

Postponement of Hearing Regarding Acquisition Agreement

Upon request of the joint applicants, submitted on September 12, 1975, the hearing in this proceeding now scheduled for September 16, 1975 (40 FR 36792, August 22, 1975), is hereby postponed until further notice.

Dated at Washington, D.C., September 12, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.75-24720 Filed 9-15-75; 8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE ARMY

Title Change in Noncareer Executive Assignment

By notice of October 28, 1971, F.R. Doc. 71-15659, the Civil Service Commission authorized the Department of the Army to make a change in title for the position of Deputy for Reserve Affairs, Office, Assistant Secretary of the Army (M&RA), Office, Secretary of the Army, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Deputy Assistant Secretary of the Army (Reserve Affairs), Office, Assistant Secretary of the Army (M&RA), Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24597 Filed 9-15-75; 8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the accepted service the position of Deputy Under Secretary for Field Programs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24596 Filed 9-15-75; 8:45 am]

²E.g., IATA Regulations, Paragraph 16, Page 18:

"(16) Carriers Liability

Claims for death, illness or injury to live animal shipments resulting from condition, age, or general health of animals at time of acceptance shall be directed to the shipper. Acceptance of live animal shipments by an air carrier shall not be considered *prima facie* evidence that the air carrier has determined that the condition, age, and general health of the animals concerned are compatible with all conditions of air travel."

³Paragraph 13(b), *supra*.
⁴(b) Live animals should not be entered on the same Air Waybill as other commodities."

**ENERGY RESEARCH AND
DEVELOPMENT ADMINISTRATION
STUDY GROUP ON FIELD AND
LABORATORY UTILIZATION**

Meeting

SEPTEMBER 10, 1975.

In accordance with the purposes of Public Law 93-438, the Study Group on Field and Laboratory Utilization will hold a meeting on September 25, 1975, in the El Dorado Room, Coronado Club, Kirtland Air Force Base—East, on South Wyoming Boulevard, Albuquerque, New Mexico. The purpose of this meeting will be to develop information for consideration by the Study Group in its review of the role of the field operations and their relationships to ERDA contractors, and other management and organization matters.

The following constitutes that portion of the Study Group's agenda for the above meeting which will be open to the public:

Thursday, September 25, 1975, 8:30 a.m.—12:00 noon and 1:00—2:00 p.m. The Study Group will hear presentations by representatives of the Albuquerque Operations staff and will hold discussions with these groups pertinent to the programs, responsibilities, management techniques, and resources of the Albuquerque Operations Office. The afternoon open session will be held to hear statements presented to the Study Group by the general public (see (b) below).

In connection with the above agenda item, the Study Group will hold a closed session, not open to the public, from 2:00 p.m. to approximately 5:00 p.m., to consider matters relating to the Study of Field and Laboratory Utilization. This session will involve an exchange of opinions and discussion of preliminary views and recommendations of Study Group members and internal deliberations for the purpose of formulating recommendations to the Administrator of ERDA.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted closed session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed session will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views to avoid undue interference with Agency or Study Group operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Study Group is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session until later in the day, September 25, 1975.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than October 10, 1975, to Ms. Antonette Joseph, Office of the Assistant Administrator for Laboratory and Field Coordination, Energy Research and Development Administration, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a), above, may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Study Group. To the extent that the time available for the meeting permits, the Study Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Study Group, between the hour of 1:00 p.m. and 2:00 p.m. on September 25, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Study Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 22, 1975, to the Office of the Assistant Administrator for Laboratory and Field Coordination (telephone 202-376-4048) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Study Group and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the minutes of the open portion of the meeting will be available for inspection at the Energy Research and Development Administration Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. Copies of the minutes may be reproduced in the Public Document Room upon payment of all charges required by law.

Additional meetings will be held in Washington, D.C., during October. Notices of these meetings will be published in the FEDERAL REGISTER.

HARRY L. PEEBLES,
Deputy Advisory Committee,
Management Officer.

[FR Doc.75-24533 Filed 9-15-75; 8:45 am]

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 431-4; OPP-42003A]

IOWA

**Approval of State Plan for Certification of
Commercial and Private Applicators of
Restricted Use Pesticides**

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

On July 3, 1975, notice was published in the FEDERAL REGISTER (40 FR 28131) of the intent of the Regional Administrator, EPA Region VII, to approve, on a contingency basis, the Iowa Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Iowa Plan). Contingency approval was requested by the State of Iowa pending promulgation of implementing regulations. Complete copies of the Iowa plan were made available for public inspection at the Iowa Department of Agriculture, Des Moines, Iowa; EPA Region VII office, Kansas City, Mo.; and the Office of Pesticide Programs, EPA, Washington, D.C.

Comments were received from one pest control company, an individual pest control operator and a national industry association.

The pest control representatives objected to the plan's provisions for recertification, which provided that "each certified pesticide applicator shall be re-examined to update his certification every third year."

It should be noted that 40 CFR 171.8 (a)(2) specified that a State certification plan should include "provisions to ensure that certified applicators continue to meet the requirements of changing technology and to assume a continuing level of competency and ability to use pesticides safely and properly." The preamble to the proposed regulations (40 FR 2528) and final regulations (40 FR 11698) suggested various optional approaches which could be used to achieve those provisions. These options included scheduled training courses, conferences, workshops, special examinations, and reexaminations, as methods a State might use to ensure that applicators are provided a continuing opportunity to learn and remain up-to-date in their profession. It is EPA's position that while some provision is required as part of a State certification plan, the actual means and methods to achieve these goals should be left to the State. This is part of the Agency's policy of providing States with as much flexibility as possible. Iowa has chosen to institute periodic reexamination of certified applicators. Section 206.5 of the Iowa Pesticide Law mandates that the secretary of agriculture adopt, by rule, the requirements for the examination, re-examination and certification of pesticide

applicators. In addition, Iowa also plans to offer short courses each year for those who desire additional training. Both the Environmental Protection Agency and the Iowa Department of Agriculture feel that the Iowa Plan's approach for achieving these objectives is reasonable and proper, and within the parameters of meeting changing technology and of ensuring a continuing level of competency. Therefore, no changes are necessary.

The pest control company representative also objected to retesting of commercial applicators who currently hold licenses. The Iowa plan indicated that the former pesticide applicator licensing program did not require reexamination. Some of Iowa's currently licensed pesticide applicators have not taken a written examination since 1964.

The last paragraph of the Iowa plan further explains the objectives of the certification program:

It is the plan in Iowa that the implementation and monitoring of a pesticide applicator certification program be a continuing process. Taking our present licensing and testing programs and applying to it the minimum federal standards, we will be bringing more individual commercial applicators and private applicators into the certification program and by requiring recertification of all applicators every third year we will have a continuing opportunity to train applicators in the use of pesticides and to test their level of competency.

The national industry association commented that the certification standards should be based upon use and handling criteria instead of also requiring knowledge about pest control problems and that by so pursuing this approach EPA was failing to adhere to the intent of Congress. They also wrote that "applicators do not need to be able to recognize pests, the damage caused by them, or know their biological cycles in order to safely and effectively apply a pesticide." It is the Agency's interpretation that Congress wanted to address the problems of misuse and overuse of pesticides through the certification process. To achieve the requirements of section 4 of the amended FIFRA, the Agency promulgated Federal certification standards (39 FR 36446) which required the determination of competency in the use and handling of pesticides. This included the demonstration of the principles and practices of practical knowledge of pest control and safe use of pesticides. If an applicator did not know the pest to be controlled or the damage caused, he would be unable to determine the proper pesticide to use for the control of the pest. The requirement (40 CFR 171.4 (b)(1)) that "testing shall be based on examples of problems and situations appropriate to the particular category or subcategory of the applicator's certification . . .", we believe, is based on Congressional mandate "to establish restrictions which are suited to the degree of the hazard and adverse environmental effects that could be caused by the misuse of the pesticide."

The same industry association also commented that the regulations pertain-

ing to commercial applicators were unnecessarily complex, specifically citing the categorization scheme promulgated by EPA. The Agency's position is that contrary to making commercial applicator certification unduly complex, categorization has several advantages for the States, EPA, and the commercial applicators. For instance, it would be unrealistic to require a commercial applicator to meet specific standards for areas in which he has no expertise and makes no applications. Only by having specific categories can the applicator concentrate on areas which concern him. Another factor to consider is that many commercial applicators will be operating in more than one State; this will require certification in each State or the development of reciprocal agreements among the various States. This can be most easily accomplished if there is some commonality in the State commercial categories. Further, if a State determines that a major category does not suit its needs, it does not have to adopt such category (40 CFR 171.3(c)) in its State plan. Since the different pest control activities have different types and levels of pest problems and situations, the position of the Agency is that the commercial applicator categories and subcategories which were established in the certification standards (40 CFR 171.3(b)) are reasonable and proper.

The industry association also referred to the intent of Congress not to impose certification fees. EPA as administrator of FIFRA, as amended, has no intention of imposing a certification fee structure; however, it should be noted that there is no prohibition in FIFRA, as amended, against a State imposing such a fee. Some States will be doing this, in fact section 206.5 of the Pesticides Act of Iowa sets forth the maximum limits for certification fees: ten dollars for the commercial applicator and five dollars for the private applicator.

It has been determined that the Iowa Plan will satisfy the requirements of section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171, if the regulations described in the Plan, which are necessary for its implementation, are promulgated by the Iowa Department of Agriculture. Accordingly the Iowa Plan is approved contingent upon promulgation of implementing regulations in accordance with and as prescribed in the State Plan.

This contingency approval shall expire nine (9) months from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Iowa Plan as a result thereof.

Effective date. Pursuant to section 4 (d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the nine months contingency approval granted herein to the Iowa Plan shall be effective immediately. Neither

the Iowa Plan itself nor this Agency's contingency approval of the Plan create any direct or immediate obligations on pesticide applicators or other persons in the State of Iowa. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingency approval shall become effective immediately.

Dated: August 28, 1975.

JEROME H. SVORE,
Regional Administrator,
Region VII.

[FR Doc.75-24511 Filed 9-15-75; 8:45 am]

[FRL 431-5; OPP-50034]

UTAH STATE DEPARTMENT OF AGRICULTURE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Utah State Department of Agriculture, Salt Lake City, Utah 84114. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 35976-EUP-1) allows the use of 6,000 pounds of parathion on false wireworms in winter wheat. A total of 1,000 acres is involved; the program is authorized only in the State of Utah. The experimental use permit is effective from August 15, 1975, to August 15, 1976. A permanent tolerance has been established for residues of the active ingredient in or on wheat.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 10, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-24512 Filed 9-15-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-979; Docket No. 20418, RM-2346]

TELEVISION TABLE OF ASSIGNMENTS

Addition of New VHF Stations

In the matter of petition for rule making to amend television table of assign-

ments to add new VHF Stations in the top 100 markets and to insure that the new stations maximize diversity of ownership, control and programming. Order of clarification 40 FR 17321, April 18, 1975.

1. On April 15, 1975 the Commission released a notice of inquiry and memorandum opinion and order (FCC 75-374) instituting the above-captioned proceeding in response to a petition filed on March 26, 1974 by the Office of Communication of the United Church of Christ (UCC). Within the context of its petition UCC suggested addition to the Television Table of Assignments (§ 73.606(b)) of as many new VHF channels as would be technologically practical proposing for consideration the 62 channels which the Office of Telecommunications Policy (OTP) maintained, in its October 1973 technical analysis of VHF television entitled "Broadcasting Frequency Assignment Criteria", could be inserted into the 100 major markets of the continental United States.

2. In May 1974 the Director of OTP forwarded to the FCC Chairman a report dated March 1974 entitled "Further evaluation of Additional VHF-TV Channels that could be assigned in the top 100 markets."

3. On May 20, 1975 Counsel for the Clay Broadcasting Corporation (Clay), licensee of Television Station WWAY-TV, Wilmington, North Carolina, requested that the Commission immediately issue a statement clarifying what markets would in fact constitute the top 100 markets for the purpose of this proceeding.

4. Counsel for Clay advises that the top 100 major markets selected by OTP for its October 1973 report were from the American Research Bureau (ARB) net weekly circulation rankings as they appeared in the 1972-1973 edition of the "Television Factbook". Counsel for Clay cites two sections of FCC rules under which Prime time households ranking is used in lieu of net weekly circulation figures which are no longer prepared by the ARB. The first cite is § 76.51 which lists the first 100 major markets derived largely from the ARB 1970 prime time households ranking (36 FCC 2d 171). The second cite is § 73.658(k), to which a Note is appended relating to the use of ARB's prime time households ranking in the top 50 U.S. Television markets. Clay submits that it would be most appropriate for the Commission, in this proceeding, to continue the use of a unified approach as to what constitutes the basis for the top 100 markets, i.e., ARB's prime time households rankings.

5. On June 13, 1975, The Association of Maximum Service Telecasters, Inc. (MST) provided a Statement in Support of Clay's Petition For Immediate Clarification. MST agrees with Clay and sup-

ports the desirability of using ARB's prime time household rankings, and urges that a fixed list of the top 100 markets according to this criterion be established by the Commission so that the identities of the markets under consideration will not change during the pendency of this proceeding.

6. The Commission agrees with Clay that it would be most appropriate in this proceeding to use a unified approach as to what constitutes the basis for determination of the top 100 markets. The Commission further agrees with MST that the identities of the markets under consideration should not change during the pendency of this proceeding.

7. For the reasons set forth above, the Commission will adopt the 1974 ARB Television Market Audience Rankings by Prime Time Households¹ for this proceeding as they are set forth in the attached list. A comparison between the ARB net weekly circulation data in the 1972-73 TV Factbook and the current ARB Television market audience ranking by prime time households, reveals that the ranking of every market, except seven of the top eleven, is altered up or down. In addition, seven markets disappear from the rankings, being replaced by seven new markets. It is to be noted that the attached 1974 listing of prime time households by rank contain 102 entries, three of which are tied for the hundredth market. Honolulu is listed but is not considered in these proceedings.

8. Authority for the issuance of this Order is contained in 4(i), 303(d), and 307(b) of the Communications Act of 1934, as amended. Since this Order is only for the purpose of clarifying the terms of reference of an ongoing inquiry, the notice and effective date provisions of the Administrative Procedure Act—5 USC 553—do not apply.

9. Accordingly, it is ordered, That the above-referenced requests of Clay Broadcasting Corporation and Maximum Service Telecasters are granted, and the notice of inquiry and memorandum opinion and order (FCC 75-374) released April 15, 1975, in this proceeding, is modified to the extent indicated above.

Adopted: August 28, 1975.

Released: September 8, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

¹ From the ARB publication "Television Market Analysis".

1974
TELEVISION MARKET AUDIENCE RANKINGS

MARKET	PRIME TIME HHLOS (000)	RNK	MARKET	PRIME TIME HHLOS (000)	RNK
NEW YORK	4,318	1	NEW ORLEANS	326	31
LOS ANGELES	2,202	2	PROVIDENCE	320	32
CHICAGO	1,776	3	MEMPHIS	317	33
PHILADELPHIA (WILMWOOD)	1,568	4	ALBANY-SCHENECTADY-TROY	300	34
DETROIT	1,065	5	OKLAHOMA CITY	278	35
BOSTON (MANCHESTER + WORCESTER)	1,041	6	CHARLOTTE (HICKORY)	278	35
SAN FRANCISCO	936	7	GREENVILLE-SPRINGSBURG-ASHEVILLE (ANDERSON)	277	37
CLEVELAND (AKRON + CANTON)	890	8	PHOENIX (FLAGSTAFF)	274	38
WASHINGTON, DC (HAGSTOWN + FREEDSBURG)	817	9	LOUISVILLE	273	39
PITTSBURGH	729	10	CHARLESTON-HUNTINGTON	269	40
10 MARKET AVG CUMULATIVE TOTAL	1,534 15,342		10 MARKET AVG CUMULATIVE TOTAL	291 27,291	
DALLAS-FORT WORTH	681	11	GRAND RAPIDS-KALAMAZOO (BATTLE CREEK)	263	41
ST. LOUIS	624	12	DAYTON	261	42
HOUSTON	534	13	SAN DIEGO	249	43
MINNEAPOLIS-ST. PAUL	533	14	NORFOLK-PORSMOUTH-NEWPORT NEWS-HAMPTON	248	44
BALTIMORE	497	15	WILKES BARRE-SCRANTON	247	45
MIAMI (FT. LAUDERDALE)	497	15	BIRMINGHAM	243	46
ATLANTA	495	17	ORLANDO-DAYTONA BEACH	239	47
INDIANAPOLIS	487	18	SALT LAKE CITY	237	48
SEATTLE-TACOMA	454	19	SAN ANTONIO	236	49
HARTFORD-NEW HAVEN	435	20	GREENSBORO-WINSTON SALEM-HIGH POINT	235	50
10 MARKET AVG CUMULATIVE TOTAL	524 20,579		10 MARKET AVG CUMULATIVE TOTAL	246 29,749	
TAMPA-ST. PETERSBURG (SARASOTA)	430	21	* SYRACUSE	233	51
KANSAS CITY	422	22	HARRISBURG-YORK-LANCASTER-LEBANON	230	52
MILWAUKEE	407	23	TOLEDO	227	53
CINCINNATI	405	24	TULSA	220	54
SACRAMENTO-STOCKTON (MODESTO)	376	25	WICHITA-HUTCHINSON	219	55
BUFFALO	371	26	OMAHA	217	56
PORTLAND, OR (SALEM)	365	27	LITTLE ROCK	216	57
DENVER	358	28	SHREVEPORT-TEXARKANA	213	58
NASHVILLE (DOWLING GREEN)	339	29	RICHMOND (CHARLOTTESVILLE)	213	58
COLUMBUS, OH	331	30	FLINT-SAGINAW-BAY CITY	212	60
8 MARKET AVG CUMULATIVE TOTAL	388 24,303		10 MARKET AVG CUMULATIVE TOTAL	228 31,949	

* THIS MARKET HAS BEEN COMBINED WITH ELMIRA FOR THE 1974-1975 BROADCAST YEAR. THE COMBINED MARKET WILL BE REPORTED BY ARBITRON AS SYRACUSE-ELMIRA.

1974
TELEVISION MARKET AUDIENCE RANKINGS

MARKET	PRIME TIME HHLOS (000)	RNK	MARKET	PRIME TIME HHLOS (000)	RNK
ROCHESTER, NY	197	61	BRISTOL-KINGSPOOT-JOHNSON CY (HAZARD)	120	98
GREEN BAY	197	61	HUNTSVILLE-DECATUR-FLORENCE	116	92
DES MOINES (FT. DODGE)	193	63	WHEELING-STEUBENVILLE	114	93
RALEIGH-DURHAM	187	64	SPRINGFIELD, MA	112	94
MOBILE-PENSACOLA	187	64	COLUMBUS, GA	110	95
DAVENPORT-ROCK IS-MOLINE / QUAD CITY	183	66	LANSING	110	95
JACKSONVILLE	179	67	MADISON	109	97
PADUCAH-CAPE GIRARDEAU-HARRISBURG	177	68	TUCSON	108	98
KNOXVILLE	177	68	ROCKFORD	106	99
ROANOKE-LYNCHBURG	173	70	DULUTH-SUPERIOR	105	100
10 MARKET AVG	185		10 MARKET AVG	111	
CUMULATIVE TOTAL	33,799		CUMULATIVE TOTAL	37,742	
JOHNSTOWN-ALTOONA	173	70	COLUMBIA, SC	105	100
CEDAR RAPIDS-WATERLOO (DUBUQUE)	173	70	FARGO	105	100
SPRINGFIELD-DECATUR-CHAMPAIGN	170	73			
PORTLAND-POLAND SPRING	157	74			
CHATTANOOGA	155	75			
SOUTH BEND-ELKHART	152	76			
SPOKANE	152	76			
FRESNO (TULARE)	144	78			
HONOLULU	144	78			
ALBUQUERQUE	143	80			
10 MARKET AVG	156				
CUMULATIVE TOTAL	35,362				
YOUNGSTOWN	140	81			
JACKSON, MS	135	82			
PEORIA	132	83			
GREENVILLE-NEW BERN-WASHINGTON	127	84			
FT. WAYNE	126	85			
SPRINGFIELD, MO	124	86			
BATON ROUGE	123	87			
EVANSVILLE	122	88			
LINCOLN-HASTINGS-KEARNEY	121	89			
SIOUX FALLS-MITCHELL	120	90			
10 MARKET AVG	127				
CUMULATIVE TOTAL	36,632				

[PR Dec.75-24449 Filed 9-15-75;8:45 am]

**FEDERAL ENERGY
ADMINISTRATION
TRANSPORTATION ADVISORY
COMMITTEE
Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Transportation Advisory Committee will meet Wednesday, October 8, 1975 at 10:00 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th & 14th Street NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to general transportation aspects of interests and problems related to the policy and implementation of programs to meet the continuing energy crisis.

The agenda for the meeting is as follows:

1. Introductions.
2. Background on FEA and its Role in Transportation.
3. Organization of the Committee.
- a. Adoption of Committee Guidelines.
- b. Committee Organization.
- c. Officers.
- d. Future Agendas.
4. Transportation Programs in FEA.
5. Presentation: The Role of Energy Conservation Discussion of FY '76 Energy Conservation Program).
6. Discussion of Ridesharing and Vanpooling.
7. Any current developments of special urgency.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C., on September 12, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75-24769 Filed 9-12-75; 4:36 am]

**FEDERAL MARITIME COMMISSION
MAHER TERMINALS, INC. ET AL.
Agreement Filed
Correction**

In FR Doc. 75-24072, appearing at page 42240 of the issue of Thursday, September 11, 1975, the comment date

of "October 1, 1975" in the second paragraph, should be changed to read "September 22, 1975".

[Independent Ocean Freight Forwarder
License No. 1554]

ALVAREZ SHIPPING CO., INC.

Notice of Reinstatement of License

By Federal Maritime Commission Order dated April 21, 1975, Alvarez Shipping Co., Inc., Independent Ocean Freight Forwarder License No. 1554 was revoked effective April 8, 1975, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on April 23, 1975 in 40 FR 18500.

On August 25, 1975, an appropriate surety bond was filed on behalf of Alvarez Shipping Co., Inc., and compliance pursuant to Section 44, Shipping Act, 1916, and Section 510.9, of General Order 4 has therefore been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(a) (dated 9/15/73), Independent Ocean Freight Forwarder License No. 1554 shall be reissued to Alvarez Shipping Co., Inc., effective August 25, 1975. A copy of this Notice of Reinstatement shall be published in the Federal Register and served upon Alvarez Shipping Co., Inc.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-24648 Filed 9-15-75; 8:45 am]

**PORT AUTHORITY OF NEW YORK AND
NEW JERSEY AND MOLLER STEAMSHIP
CO., INC.**

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 6, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances

said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Port Authority of New York and New Jersey and Moller Steamship Company, Inc. Notice of agreement filed by: Albert B. Dearden, Deputy Chief, Leases & Operating Agreements Division, Port Authority of N.Y. & N.J., One World Trade Center, New York, New York 10048.

Agreement No. T-3155, between Port Authority of New York and New Jersey (Port) and Moller Steamship Company, Inc., (Moller), provides for the 25-year lease of a marine terminal located at Port Newark. As compensation, Moller shall pay to Port an annual sum of \$582,411.00 plus a percentage of the cost of special construction performed pursuant to the agreement.

By Order of the Federal Maritime Commission.

Dated: September 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-24646 Filed 9-15-75; 8:45 am]

**WAIVER OF STATUTORY REQUIREMENTS
Application Filed**

Notice is hereby given that the following application has been filed with the Commission for approval pursuant to Section 35 of the Shipping Act, 1916, as amended (46 U.S.C. 833a, 80 Stat. 1358, Pub. L. 89—Application 778).

Interested parties may inspect and obtain a copy of the application at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 11413; or may inspect a copy of the application at the Field Offices, New York, New York; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments on such applications, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 6, 1975. Any person desiring a hearing on the proposed application shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or that the approval of this application would substantially impair effective regulation by the Federal Maritime Commission shall be accompanied by a statement describing the discrimination or the impairment of effective regulation with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the application (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Application filed by:

Robert J. Ables, Federal Bar Building West,
1819 H Street NW., Washington, D.C. 20006.
John Guandolo, Macdonald & McNery, 1000
16th Street NW., Washington, D.C. 20036.

An application for an exemption, under Section 35 of the U.S. Shipping Act, 1916, from all requirements of that Act has been filed on behalf of Incan Superior Ltd. This application covers the Incan Superior Ltd. operation between Thunder Bay, Ontario, Canada and Superior, Wisconsin.

By order of the Federal Maritime Commission.

Dated: September 11, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-24647 Filed 9-15-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-60]

ALABAMA POWER CO.

Tariff Filing

SEPTEMBER 8, 1975.

Take notice that on August 18, 1975, Alabama Power Company (Alabama) tendered for filing in this docket a revised tariff sheet¹ and related executed service agreement applicable to service provided by Alabama to the City of Opelika, Alabama. In its filing, Alabama states as follows:

The Company will serve the electrical requirements of the delivery points Nos. 1, 2 and 4 of The City of Opelika, pursuant to such tariff as amended by the Company's filing with this Commission on June 17, 1974, submitting Revision No. 1—Rate Schedule MUN-1 to the Commission for approval. The City of Opelika's delivery points Nos. 1, 2 and 4 were previously served under FPC Rate Schedule No. 123; however, pursuant to a provision in such rate schedule, the Company has been charging the rates contained in Revision No. 1—Rate Schedule MUN-1 since September 12, 1974, in accordance with an order of the Commission dated September 12, 1974, in FPC Docket E-8851. The Nos. 1, 2 and 4 delivery points of The City of Opelika will be served pursuant to FPC Electric Tariff, Original Volume No. 1, of Alabama Power Company and under Revision No. 1 Rate Schedule MUN-1 incorporated in such tariff as allowed to become effective by this Commission, subject to refund, in its order in FPC Docket No. E-851, issued September 12, 1974.

A copy of the above filing was sent by Alabama to the City of Opelika.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street,

N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Alabama's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-24536 Filed 9-15-75; 8:45 am]

[Docket No. ER76-65]

ALABAMA POWER CO.

Tariff Filing

SEPTEMBER 8, 1975.

Take notice that on August 11, 1975, Alabama Power Company (Alabama) tendered for filing in this docket a revised tariff sheet¹ and related service agreement applicable to service by Alabama to Clarke-Washington EMC at the latter's Clairborne delivery-point. Alabama states it proposes to commence service at the Clairborne delivery point on or about August 15, 1975. Alabama further states as follows:

The Company will serve the electrical requirements of Clairborne delivery point of the Clarke-Washington Electric Membership Corporation, pursuant to such tariff as amended by the Company's filing with this Commission on June 17, 1974 submitting Revision No. 1—Rate Schedule REA-1 to the Commission for approval. The Clairborne delivery point will be served pursuant to FPC Electric Tariff, Original Volume No. 1, of Alabama Power Company and under Revision No. 1 Rate Schedule REA-1 incorporated in such tariff as allowed to become effective by this Commission, subject to refund, in its order in FPC Docket No. E-8851, issued September 12, 1974.

A copy of this filing was sent by Alabama to Clarke-Washington EMC.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Ala-

bama's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-24537 Filed 9-15-75; 8:45 am]

[Docket No. ER76-79]

CENTRAL HUDSON GAS AND ELECTRIC CORP.

Filing of Rate Schedule

SEPTEMBER 9, 1975.

Take notice that Central Hudson Gas and Electric Corporation (Central Hudson), on August 20, 1975, tendered for filing, as a rate schedule, a transmission agreement between Central Hudson and Orange and Rockland Utilities, Inc. (Orange & Rockland).

Central Hudson states that the service to be provided by Central Hudson is the transmission of power and energy between (a) Central Hudson's transmission connection with the 345 Kv. Leeds Substation of Niagara Mohawk Power Corporation and (b) Central Hudson's transmission connection with Orange and Rockland at the 115 Kv. Sugarloaf Substation.

Central Hudson states that transmission capacity to be made available to Orange & Rockland will be that scheduled as unsupported firm power for Orange & Rockland by the Power Authority of the State of New York (PASNY) in accordance with contracts in effect between PASNY and Orange & Rockland.

Central Hudson states that copies of the subject filing were served upon:

Orange and Rockland Utilities, Inc.
75 West Route 59
Spring Valley, New York 10977

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-24557 Filed 9-15-75; 8:45 am]

[Docket No. RI75-112]

CERTAIN PRODUCER AND PIPELINE RESPONDENTS

Order Requiring Report

SEPTEMBER 8, 1975.

On February 20, 1975, we issued an order in Docket No. RI75-112 instituting an investigation of Status of Nonproduc-

¹Tenth Revised Sheet No. 35 of original Volume No. 1 of Alabama's FPC Electric Tariff.

¹Ninth Revised Sheet No. 37 to original Volume No. 1 of Alabama's FPC Electric Tariff.

ing Dedicated Reserves in the Federal Domain in the Gulf of Mexico. One of our relevant areas of inquiry in this proceeding is whether nondevelopment has occurred as a result of failure of producers to meet or pipelines to enforce contractual or certificate obligations. In order to properly evaluate any delivery obligations under certificates or gas sales contracts, we will require each pipeline respondent listed in Appendix A hereof to provide, under oath, the information requested in Appendix B attached hereto in the manner prescribed. This information will be incorporated into the record in Docket No. RI75-112 for appropriate use by the Commission.

Certain obligations attach to both producers and pipelines when the Commission issues a certificate for the delivery and receipt of natural gas. Once the producer files for a certificate, and having received either a temporary or permanent certificate, commences delivery thereunder, this Commission's jurisdiction attaches to that sale until such time as abandonment authorization is granted by the Commission. Upon commencement of deliveries, the Commission has authority to investigate negligence of a producer in rendering full service under the certificated contract, or to investigate a deliberate attempt to slow production in order to obtain a more favorable price. Additionally, the Commission may examine in depth whether the pipelines are diligently pursuing their contractual remedies against producers to compel maximum deliveries. However, the enforcement authority of the Commission to compel delivery of the certificated volumes is subject to the sales contract conditions unless the Commission has expressly conditioned its certification so as to modify certain of the contractual conditions. The condition precedent to such authority is that some service must have commenced under a certificate. Nevertheless, the Supreme Court has held that "the Commission [has] control over the conditions under which gas may be initially dedicated to interstate use." And, "... once so dedicated there can be no withdrawal of that supply from continued interstate movement without Commission approval." *Atlantic Refining Co. v. Public Service Commission*, 360 U.S. 378, 387-389 (1960). The former statement is a recognition of the Commission's authority to condition the grant of a certificate, and the latter is a recognition of the Commission's view that all of the contract terms as initially set forth in the certificate application are encompassed within the certificated obligations accepted by the producer once delivery commences thereunder. The latter view was recently restated by the Commission in Opinion No. 733, *Mitchell Energy Corporation*, Docket No. CI75-296, June 11, 1975, and in Opinion No. 737, *El Paso Natural Gas Company, et al.*, Docket No. CP75-209, et al., July 11, 1975, wherein we held that the service undertaken by a producer at the time of certification "is like an ancient covenant running with the land"

which even binds a certificated assignee to all of the contractual and certificated obligations of the assignor.¹

Section 10 of the Natural Gas Act (15 U.S.C. § 717i (1970)) requires every natural gas company to file such special reports, under oath, as the Commission may by order direct. Pursuant to this statutory authorization, we direct and require the pipeline respondents listed in Appendix A to complete and submit by September 19, 1975, the report required herein. The report must be submitted under oath by the corporate officer most directly responsible for, and knowledgeable about the information to be submitted in the report. We remind each of the respondents that Section 10(b) of the Natural Gas Act (15 U.S.C. § 717i(b) (1970)) provides that:

[I]t shall be unlawful for any natural gas company willfully to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, memorandum, record, or account required to be made, filed, or kept under this act or any rule, regulation, or order thereunder.

This provision, along with all other sections of the Natural Gas Act, the Commission's Rules and Regulations promulgated thereunder, and relevant statutes of the United States Code, will be vigorously enforced.

The Commission finds:

It is necessary and proper to obtain the information required by this order for incorporation in the proceeding in Docket No. RI75-112.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly Section 10 thereof, the pipeline companies listed in Appendix A hereof shall file, under oath, a report providing the information requested as set forth in Appendix B hereto.

(B) The report required to be filed pursuant to Paragraph (A) above shall be filed with the Secretary (an original and 4 copies) on or before September 19, 1975.

(C) The Secretary shall place one copy of the report in the official Commission files associated with this proceeding and an additional copy in the Commission's Office of Public Information for use by any interested person.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

¹ Judicial review of Opinion No. 733 is presently before the U.S. Court of Appeals for the Fifth Circuit as *Mitchell Energy Corporation v. F.P.C.*, No. 75-1118; and Opinion No. 737 is before the same Court as *Southland Royalty Co., et al., v. F.P.C.*, No. 75-2851. Exxon Corporation filed on July 14, 1975 for injunction against the Commission and the Commissioners in the U.S. District Court for D.C. on Opinion No. 737 in Civil Action No. 75-1118, but withdrew its suit after a hearing before that Court. Circuit Judge Coleman of the Fifth Circuit issued an interim stay order against Opinion No. 737 on July 14, 1975, but vacated the stay that day and substituted in lieu thereof, a consent protective order.

APPENDIX A

PIPELINE COMPANY RESPONDENTS, FEDERAL DOMAIN—GULF OF MEXICO

Columbia Gas Transmission Corporation
Consolidated Gas Supply Corporation
Michigan—Wisconsin Pipe Line Company
Natural Gas Pipeline Company of America
Sea Robin Pipeline Company
Southern Natural Gas Company
Tennessee Gas Pipeline Company
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Trunkline Gas Company
United Gas Pipe Line Company

APPENDIX B

A. With the exception of emergency and limited-term pregranted abandonment purchases, provide the Average Daily Purchases by month from January 1968 to date, for each field in the Federal Domain of the Gulf of Mexico which has dedicated non-producing reservoirs and reserves and from which you purchase gas. Identify the field by block number(s) and OCS lease number(s), and identify within each field each operator and each producer with a working interest ownership, and each rate schedule and certificate docket number under which the purchases were made. If such information has been tabulated graphically, copies of such graphs shall also be furnished, properly identified as to field, location, and producer rate schedules involved.

B. For each producer in the fields in A. above, list by field and total for each rate schedule:

1. Date of contract(s).
2. (a) Original and remaining recoverable reserves dedicated to you as of December 31 of each year beginning with 1967 and continuing through and including 1974.
(b) Original and renegotiated recoverable reserves for the same period and the basis for the renegotiated recoverable reserves.
3. (a) Average daily volumes purchased for the years 1968 through 1974.
Projected average daily volumes for the years 1968 through 1975 based on the Form 16 or similar data.
4. Daily Contract Quantity, Minimum Daily Contract Quantity and Maximum Daily Contract Quantity effective during the years 1968 through 1975. If any of the above has been revised during those years, give the figures before and after such revision and the period of time each was effective and the method used to calculate such obligations.
5. The ratio of original recoverable gas reserves to deliverability.

[PR Doc.75-24562 Filed 9-15-75;8:45 am]

[Docket Nos. E-8885, E-8546]

CINCINNATI GAS & ELECTRIC CO.

Order Approving Settlement Agreement
Subject To Conditions

SEPTEMBER 5, 1975.

On May 29, 1975, the Cincinnati Gas & Electric Company (CG&E) filed with the Federal Power Commission a motion for approval of a settlement agreement which would terminate all proceedings in Docket Nos. E-8885 and E-8546. Notice of the filing of a proposed settlement agreement was issued June 10, 1975, with comments due on or before June 27, 1975. The Commission Staff (Staff) filed comments which favored the settlement agreement.

This proceeding involves two consolidated dockets. On December 5, 1973, the Village of Georgetown, Ohio (Georgetown) filed a complaint in Docket No. E-8546. Georgetown's filing alleged that CG&E received excessive profits from its sales to Georgetown. Georgetown indicated that Union Light, Heat and Power Company, a CG&E affiliate operating in Kentucky, purchases power from CG&E at lower rates than Georgetown for service at comparable voltages.

Georgetown noted also that the "discounted rates" under which service was provided were not on file with the Commission; that the rates charged to Georgetown were changed in violation of the Federal Power Act; and that the rates subjected Georgetown to undue discrimination by an unreasonable difference in rates between it and Union. Pursuant to the Commission's Notice of Filing of Complaint, CG&E timely filed its answer. On May 23, 1974, the Commission ordered that an investigation and hearing be instituted concerning the issues raised in Georgetown's complaint, pursuant to Section 206 of the Federal Power Act.

On July 2, 1974, CG&E filed a proposed electric tariff, Original Volume No. 1 (initiating Docket No. E-8885) to cancel and supersede rate schedules then on file with the Commission for wholesale electric service to the Villages of Bethel, Blanchester, Georgetown, Hamersville, and Ripley, Ohio and to the West Harrison Gas and Electric. The proposed tariff would increase CG&E's overall annual revenue approximately \$104,139. The proposed effective date was September 1, 1974.

On August 30, 1974, the Commission issued its order in Docket No. E-8885 and E-8546: Accepting CG&E's proposed tariff for filing and suspending its effective date to September 2, 1974, subject to refund; setting hearing dates, consolidating the investigation instituted by its order of May 23, 1974, for hearing; and permitting intervention by Georgetown.

The order also noted that Company's General Terms and Conditions filed along with the general rate increase includes language which restricts resale by the customers of power and energy furnished by CG&E, and that such provision may be unduly restrictive, anti-competitive and contrary to public interest. The provision reads as follows:

The power and energy so to be purchased, furnished and supplied hereunder shall be received and used by the customer in the operations of its electric system and shall be reserved for the ultimate use and benefits of the customers served by said electric distribution system of the customer.

CG&E did not refile under the settlement agreement a new set of General Terms and Conditions excluding the above restrictive language. Therefore, as a condition to our approval of the settlement we shall require CG&E to file within 30 days revised General Terms and Conditions excluding the above restrictive language.

The parties and Staff have had a conference to discuss the issues in these consolidated cases and have agreed to a settlement.

A summary of the settlement provisions in Docket Nos. E-8885 and E-8546 is as follows:

(1) The settlement rate for Georgetown will be Georgetown's rate prior to the filing in E-8885 plus a fuel adjustment charge.

(2) CG&E agrees to file a rate schedule which will be applicable to both Georgetown and the Union Light, Heat and Power Company (Union). CG&E further agrees that such rate shall have a single energy step and a single demand step. In consideration for placing it on the same rate schedule as Union, Georgetown agrees to withdraw its complaint in Docket No. E-8546.

(3) The settlement cost of service is shown in Appendix A below.

(4) The settlement capitalization and rate of return are shown in Appendix B below.

(5) CG&E agrees to refund all amounts collected in excess of the settlement rates.

We note that the fuel clause proposed in the settlement agreement generally conforms to Order No. 517, except that system rather than wholesale losses are used. As we noted in our Opinion No. 720,¹ our regulations prior to the issuance of Order No. 517 did not speak to this point, and it would therefore be unfair to order refunds for a period during which our position was not clear. In Opinion No. 720-A, we required the subject company to file a clause reflecting wholesale losses only, effective prospectively. Accordingly, since CG&E's rate filing at issue in this proceeding was made prior to the issuance of Order No. 517, we shall require CG&E to file within 30 days of the issuance of this order a revised fuel clause which provides for wholesale rather than system losses to become effective prospectively from the date of this order.

¹ Public Service Company of New Hampshire, Docket No. E-7742, Opinion No. 720, issued February 12, 1975.

Our review of this settlement agreement indicates that, as conditioned, the proposed settlement agreement adequately resolves the issues raised by the filing, is in the public interest, and should therefore be approved by the Commission.

The Commission finds. Approval of the settlement agreement filed with us by the Cincinnati Gas & Electric Company, as conditioned herein, is reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders. (A) The settlement agreement filed by the Cincinnati Gas and Electric Company, as conditioned herein, is incorporated herein by reference, approved and made effective as of September 2, 1974.

(B) Within 30 days of the date of issuance of this order, CG&E shall file revised General Terms and Conditions excluding the language restricting resale of power.

(C) Within 30 days of the date of issuance of this order, CG&E shall submit compliance rate schedule filings in the form attached to the settlement agreement, except that Fuel Adjustment Rider F is to be revised to provide for wholesale rather than system losses. Such revised fuel clause shall become effective as of the date of issuance of this order.

(D) Within 30 days of the date of issuance of this order, CG&E shall refund to its customers all revenues collected over and above the rate incorporated in the settlement agreement, including 7 percent per annum thereon.

(E) CG&E shall report to the Commission the payment of refunds including 7 percent per annum thereon. Proceedings in Docket Nos. E-8546 and E-8885 shall be terminated upon receipt of such report.

(F) The order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against CG&E or any person or party, except as provided in the settlement agreement.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A.—The Cincinnati Gas and Electric Co., electric department cost of service, Year 1973

[In dollars]

Line No.		4 villages— Bethel, Blanchester, Hamersville, and Ripley	The West Harrison Gas and Electric Co.
1	Electric service revenue.....	787,656	71,006
2	Other electric revenue.....	3,897	365
3	Total electric revenue.....	791,463	71,371
4	Operating expenses:		
5	Operation and maintenance expenses:		
6	Production expenses.....	298,507	28,544
7	Transmission expenses.....	11,074	1,014
8	Distribution expenses.....	12,07	1,263
9	Customers accounts expenses.....	1,200	200
10	Administrative and general expenses.....	20,450	2,009
11	Total operation and maintenance expenses.....	343,338	33,160
12	Depreciation.....	87,504	8,343
13	Taxes—other than income:		
14	Payroll taxes.....	3,141	309
15	Property taxes.....	52,195	4,985
16	Excise tax.....	30,290	0
17	Total taxes—other than income.....	85,632	5,294
18	Adjustments to expenses to reflect donations.....	840	80
19	Total operating expenses before Federal income taxes.....	517,314	46,877
20	Net operating revenue before Federal income taxes.....	274,149	24,494
21	Federal income taxes.....	86,959	7,495
22	Net operating revenue.....	187,190	16,999

The Cincinnati Gas and Electric Co., electric department rate base, Year 1973

[In dollars]

Line No.		4 villages— Bethel, Blanchester, Hamersville, and Ripley	The West Harrison Gas and Electric Co.
1	Electrical Plant in service:		
2	Production Plant.....	1,790,525	168,883
3	Transmission Plant.....	546,047	51,503
4	Distribution Plant.....	263,669	27,508
5	General Plant.....	66,672	5,567
6	Total electric plant in service.....	2,656,913	253,461
7	Accumulated provision for depreciation.....	721,518	68,805
8	Total net electric plant.....	1,935,395	184,656
9	Add:		
10	Land held for future use.....	5,194	490
11	Net common plant for electric.....	38,506	3,782
12	Deduct:		
13	Accumulated deferred income taxes.....	15,372	1,406
14	Total net electric plant before working capital.....	1,963,723	187,462
15	Working capital:		
16	Prepayments.....	1,846	176
17	Material and supplies—		
18	Fuel.....	64,701	6,103
19	Other.....	24,971	2,384
20	Working cash allowance.....	40,464	3,912
21	Federal income tax offset to working cash allowance.....	(6,344)	(322)
22	Total working capital.....	125,638	12,053
23	Total rate base.....	2,089,361	199,515

APPENDIX B.—The Cincinnati Gas and Electric Co. capital structure¹ and settlement rate of return

Line No.	Class of capital	Amount (in thousands of dollars)	Capital ratios (percent)	Cost or allowance (percent)	Weighted return (percent)
1	Long-term debt.....	547,038	49.42	7.12	3.52
2	Preferred stock.....	153,000	14.00	7.65	1.07
3	Deferred taxes (281).....	9,945	.90		
4	Common equity.....	395,000	35.68	12.25	4.37
5					8.96
6	Recommended return on total capital.....	1,106,983	100.00		

¹ Pro-forma through the year 1975.

[FR Doc.75-24403 Filed 9-15-75;8:45 am]

[Docket No. CP73-329]

CHATTANOOGA GAS CO.
Amendment to Application

SEPTEMBER 8, 1975.

Take notice that on August 15, 1975, Chattanooga Gas Company, a Division of Jupiter Industries, Inc. (Applicant), 811 Broad Street, Chattanooga, Tennessee 37402, filed in Docket No. CP73-329 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act by which amendment Applicant requests authorization to operate liquefied natural gas (LNG) facility to provide a natural gas liquefaction service for East Tennessee Natural Gas Company (East Tennessee), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant requests that the Commission certificate the liquefaction of up to 439,500 Mcf of natural gas by Applicant for East Tennessee at Applicant's LNG facilities. Applicant states that East Tennessee has been delayed in the completion and operation of its own LNG plant and that the proposed service would allow East Tennessee to convert summer gas availability to winter service by means of liquefaction.

Applicant would take volumes of gas from East Tennessee in excess of Applicant's curtailment period quantity entitlement and would deliver to East Tennessee's trucks on the loading platform of Petitioner's LNG facility such excess volumes, less fuel used for liquefaction, as liquid volumes.

Applicant states that pursuant to the terms of a letter agreement dated August 14, 1975, Applicant and East Tennessee have agreed that Applicant would render liquefaction service to East Tennessee. The stated delivery point of natural gas to be liquefied is the existing delivery point between East Tennessee and Applicant on East Tennessee's pipeline, the Chattanooga East measuring station. Applicant would take volumes in excess of its authorized maximum daily volume entitlement to provide gas for the liquefaction and would further take additional gas as fuel for the process of liquefaction.

The agreement would stay in effect from the time of the first delivery of gas to Applicant to such a time that Applicant has delivered the maximum liquid quantity to East Tennessee Gas delivered to Applicant would be billed to Applicant by East Tennessee according to the terms of the base contract. In any month that a delivery of LNG is made to East Tennessee, Applicant would be credited for the liquefaction service as a part of the billing. It is stated that the credit would be the sum of the product of the liquid quantity delivered that month multiplied by the liquefaction service rate, which Applicant proposes to be 75.0 cents per Mcf at 19.73 psia, plus the product of the liquid quantity in the first part multiplied by 1.2736 multiplied by the commodity rate provided for in the base contract.

It is stated that no cost of service studies were prepared in connection with said rate and that the rate does not provide for the recovery of the cost of gas supply since the gas for liquefaction would be provided by East Tennessee. Further, it is stated the rate does not provide for recovery of fully allocated costs of the storage tank.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
 Secretary.

[FR Doc. 75-24538 Filed 9-15-75; 8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Order Approving Settlement Agreement

SEPTEMBER 5, 1975.

On May 12, 1975 Colorado Interstate Gas Company (CIG) tendered for filing a Stipulation and Agreement which reflects a settlement of all issues in the above referenced proceeding. Simultaneously CIG filed a motion to terminate these proceedings. On May 29, 1975 the Presiding Administrative Law Judge certified the record which contained both CIG's and Commission Staff's (Staff) direct cases. Notice of the proposed settlement was issued May 20, 1975 with comments due on or before June 2, 1975. No comments have been filed.

This proceeding involves a rate filing made by CIG on March 29, 1974, to provide for increase on annual revenues of \$10,280,084 based on calendar year 1973 costs and operations, as adjusted by order issued May 1, 1974 we suspended the proposed tariff sheets and deferred their use until October 1, 1974. A pre-hearing conference was held on December 17, 1974, at which time both Staff's and CIG's direct cases were entered into the record. Subsequent settlement discussions among Staff, CIG, CIG's customers and other interested parties resulted in the submittal of the instant proposal.

The settlement agreement provides for a jurisdictional cost of service of \$132,454,293 which is \$6,512,983 less than the annual revenues that would be achieved from the increased rates placed in effect by CIG on October 1, 1974, and the settlement jurisdictional sales volumes of

379,388,836 Mcf. A comparison of the settlement cost of service with the other costs of service introduced into the record in this proceeding is included as Appendix I below.

The settlement cost of service includes an overall rate of return of 9.26 percent which will enable CIG to earn an 11.75 percent return on its equity investment. Attached as Appendix II below is a summary of the capitalization ratios and the debt and return allowances included in the settlement.

Other pertinent provisions of the settlement are as follows:

(1) For the period from October 1 through December 31, 1974, the rates shown on Appendix III below shall be the effective rates.

(2) Effective January 1, 1975, the rates shown on Appendix IV below shall be the appropriate rates. These Appendix IV below rates include 0.7 cent per Mcf to protect CIG against reduced liquid credit revenues that may result from the Federal Energy Administration's jurisdiction over extracted product prices. CIG is obligated to refund any excess revenues and has the right to recover any revenue deficiency associated with the sale of extracted products for the period, January 1 through September 30, 1975. In addition, CIG has agreed to share with jurisdictional customers any monetary consideration in excess of \$500,000 which it may receive in suits against Mapco, Inc. involving the price of extracted products.

(3) Article IV provides that advance payments to Amoco Production, McCulloch Gas Processing Corporation, Beta Exploration, Inc., Fuel Resources Development Co. and Gas Processing Enterprises, Inc. are reflected in the settlement rate-base subject to certain conditions to conform each to the present Commission policy regarding advance payments.

(4) Article V provides for the following depreciation rates for the separate functions as follows:

(a) Gathering and Products Extraction—6.68 percent; (b) transmission—3.35 percent; Underground Storage—4.07 percent; and (c) Franchises and Consents—4.15 percent. CIG agreed to use the same depreciation rates in its recently filed rate increase in Docket No. RP75-86 which amounts to at least a one year moratorium on changes in depreciation rates.

(5) The settlement rates reflect commodity charges which include all jurisdictional production function costs and 75 percent of the fixed storage and transmission function costs. The straight-line rates reflect this same approach and the jurisdictional field sale rates are based upon the weighted average unit production function cost.

(6) The settlement agreement is not intended to change existing obligations under prior settlement agreements.

The advance payments to Amoco Production, Beta Exploration, Inc. and Fuel Resources Development Co. are included in the settlement rate base subject to the condition that any outstanding balance

not recovered within five years of the date of each agreement shall be eliminated from CIG's rate base. The condition attached to the McCulloch-Harold B. Erlich advance payment requires CIG to credit its cost of service with all interest payments received under the agreement. CIG is obligated to reduce its rates and refund to its customers the carrying charges attributable to any portion of the \$1,462,000 advance to Gas Producing Enterprises, Inc. not actually ex-

pended on the initial five-well program provided for by the agreement.

CIG initially proposed an overall rate of return of 9.75 percent which would provide a 13.88 percent return on equity capital amounting to 35.89 percent of the projected capitalization as of September 30, 1974. The embedded debt cost was projected at 7.66 percent. Staff recommended an overall rate of return of 8.86 percent with a return on equity of 12.0

percent and an embedded debt cost of 6.95 percent. Staff eliminated \$16.7 million of interim financing and reflected gains on reacquired debt totalling \$137,199. The settlement rate of return of 9.26 percent will provide an 11.75 percent return on equity, amounting to 41.85 percent of total capitalization, and a 7.82 percent allowance for embedded debt cost. A comparison of the proposed rates of return are as follows:

	Company			Staff			Settlement		
	Capitalization Ratios (percent)	Capital cost	Weighted cost (percent)	Capitalization Ratios (percent)	Capital cost	Weighted cost (percent)	Capitalization Ratios (percent)	Capital cost	Weighted cost (percent)
Long term debt.....	46.50	\$7.66	3.56	43.24	\$6.95	3.01	49.12	\$7.82	3.84
Preferred stock.....	17.61	6.86	1.21	18.68	6.86	1.28	9.08	5.53	0.50
Common equity.....	35.89	13.88	4.98	38.08	12.00	4.57	41.85	11.75	4.92
Total.....	100.00		9.75	100.00		8.86	100.00		9.2

Colorado Interstate Gas Company is a division of Colorado Interstate Corporation (Interstate) which, in turn, is an affiliate of Coastal States Gas Corporation (Coastal States). All of the common stock of Interstate is held by Coastal States. Interstate's pipeline bonds are rated as Class A while its debentures are rated Class Baa. Both Staff and the Company used the capital structure and capital costs of Interstate in determining the return allowance for CIG.

Staff and the Company emphasized the importance of inflation and the rising cost of debt money. Exhibit No. 23, page 11, shows by months the Average of Yields on "A" Rated Public Utility Bonds from 1959 to Date as reported by Moody's Bond Survey. Staff Witness Culbert's testimony summarized the data by observing that while the yield on "A" rated bonds averaged less than 5.0 percent in 1965 by 1970 the yields had reached over 8.0 percent and although they declined somewhat in 1971 and 1972, they increased in 1973 and had averaged about 9.3 percent for the first 10 months of 1974. Exhibit No. 2 shows that the cost of First Mortgage Pipe Line Bonds for Interstate had closely paralleled this experience. Staff took the position that rising debt cost results in lower interest coverage and greater financial risk. Page 13 of Exhibit No. 23 was cited to illustrate investor reaction by showing that as risk has increased the P/E ratios of stocks have declined, with regulated utilities experiencing the largest decline.

Page 4 of Exhibit No. 22 shows that the Major Class A and B Pipelines, as defined in the Statistics of Interstate Natural Gas Pipeline Companies published annually by this Commission, have increased their common equity ratios since 1969 and that Colorado Interstate

Corporation's common equity ratios have also increased since 1969 while the ratios for electric utilities have remained relatively constant. This increase in common equity ratios tends to reduce the risk associated with higher debt costs.

Both the Company and Staff provided studies showing returns on equity earned by various industries and groupings of companies within industries. Exhibit No. 23 shows that the 500 largest industrial corporations earned an average of 12.4 percent in 1973. Exhibit No. 22 shows that an average return of 13.8 percent was earned in 1973 by those industries reported in Business Week, with utilities earning an average of 11.9 percent. This exhibit also indicated that Colorado Interstate Corporation earned an average of 12.3 percent on equity for the period, 1965 through 1973, as compared with 13.7 percent for Major Class A and B Pipelines, 12.0 percent for Standard & Poor's 425 Industrials, 12.5 percent for Moody's 125 Industrials, 11.8 percent for Class A and B Electrics, and 12.2 percent for Nine Selected Gas Transmission Companies.

While CIG was not in curtailment during the test period covered by this proceeding we take note that Form 16 reports filed with this Commission project curtailments of 6.70 percent for the 1975-76 winter season. We take further note that CIG purchases roughly 12.0 percent of its annual supply from Northwest Pipeline Corporation which purchases a major part of its supply from Canadian sources. Northwest has projected a curtailment level of 15.0 percent for the winter of 1975-76. We are satisfied that the record supports the settlement rate of return including the 11.75 percent return on equity.

Our review of this settlement agreement as well as the entire record in this

proceeding indicates that the proposed settlement agreement adequately resolves the issues raised by the filing, is in the public interest, and should therefore be approved and made effective as herein-after ordered.

The Commission finds. Approval of the settlement agreement filed in this proceeding is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act.

The Commission orders. (A) The settlement agreement filed in this proceeding is incorporated herein by reference, approved, and made effective as provided by the provisions of the settlement agreement.

(B) Within forty-five days of the issuance of this order CIG shall file revised tariff sheets which conform to the settlement agreement.

(C) Within thirty days after filing the revised tariff sheets, CIG shall refund to its jurisdictional customers all revenues collected in excess of the settlement rates.

(D) This order is without prejudice to any findings or orders which have been made or which hereafter will be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against CIG or any person or party, except as provided in the settlement agreement.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

APPENDIX I.—Colorado Interstate Gas Co., Docket No. RP74-77

[Comparison of costs]

Line No.	Description (a)	Per CIG (b)	Per staff (c)	Per settlement (d)
1	Operating expenses.....	\$128,045,451	\$126,410,133	\$128,577,133
2	Depreciation and amortization.....	12,885,097	12,638,267	13,323,329
3	Taxes:			
4	Federal income.....	11,366,380	8,431,268	9,538,050
5	State income.....	794,412	388,523	867,215
6	Other.....	3,730,597	3,622,530	3,579,915
7	Donations.....	51,044	51,044	51,044
8	Return (9.75%, 8.86%, 9.20%).....	21,560,584	17,837,967	18,784,482
9	Total.....	178,423,115	169,579,712	174,542,068
10	Revenue credits:			
11	Extracted products.....	(8,518,275)	(11,580,071)	(11,580,071)
12	Other.....	(4,332,245)	(5,093,509)	(5,093,509)
13	Total revenue credits.....	(12,850,520)	(16,673,580)	(16,673,580)
14	System cost of service.....	165,552,595	152,964,132	157,926,488
15	Jurisdictional cost of service.....	138,997,276	128,157,913	132,454,293

APPENDIX II

[In percent]

	Capitalization	Cost Allowance	Weighted Cost
Long-term debt.....	49.12	7.82	3.84
Preferred stock.....	9.63	5.53	0.50
Common equity.....	41.85	11.75	4.92
Total.....	100.00		9.26

APPENDIX III

COLORADO INTERSTATE GAS COMPANY

(Docket No. RP74-77, Settlement Rates at October 1, 1974)

Rate schedule:	Base tariff rate (note)
G-1:	
Demand.....	\$1.11
Commodity.....	37.04
P-1 and H-1:	
Demand.....	.67
Commodity.....	37.04
PS-1:	
Demand.....	.96
Capacity.....	1.16
Commodity.....	36.15
SG-1.....	46.16
S-1.....	41.60
P-1 and P-2.....	28.14
EX-1.....	40.69

Note: Rates do not include the PGA adjustment which became effective October 1, 1974.

APPENDIX IV

COLORADO INTERSTATE GAS COMPANY

(Docket No. RP74-77, Adjusted Settlement Rates at January 1, 1975)

Rate schedule:	Base tariff rate (note)
G-1:	
Demand.....	\$1.11
Commodity.....	37.74
P-1 and H-1:	
Demand.....	.67
Commodity.....	37.74
PS-1:	
Demand.....	.96
Capacity.....	1.16
Commodity.....	36.85
SG-1.....	46.86
S-1.....	42.30
P-1 and P-2.....	28.84
EX-1.....	41.39

Note: Rates reflect a 0.7% increase based on Section 6.2 of the Stipulation and Agreement. The rates do not include cumulative PGA adjustments which became effective on or before January 1, 1975.

[PR Doc.75-24402 Filed 9-15-75;8:45 am]

[Docket No. CP76-64]

COLORADO INTERSTATE GAS CO.

Application

SEPTEMBER 8, 1975.

Take notice that on August 26, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-64 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(c) of the Regulations thereunder (157.7(c)), for a certificate of public convenience and necessity authorizing the miscellaneous rearrangements of various gas sales and transportation facilities during the calendar year 1976 and operation of said facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of the proposed rearrangement and operation is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which will not result in any material change in service.

The total cost of the proposed facilities would not exceed \$300,000, and the cost of any single project would not exceed \$150,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[PR Doc.75-24539 Filed 9-15-75;8:45 am]

[Docket No. RP75-47-6]

COLUMBIA GAS TRANSMISSION CORP.

Order Providing for Hearing, Establishing Procedures and Permitting Interventions

SEPTEMBER 8, 1975.

On June 19, 1975, as supplemented July 10, 1975 and July 17, 1975, The Standard Oil Company (Ohio), an Ohio corporation (Sohio), filed a petition, pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure and Section 2.78(a) (ii) of the Commission's Statements of General Policy and Interpretations, for extraordinary relief, exempting it to the extent requested for a one-year period commencing November 1, 1975, from whatever curtailment plan is currently in effect at that time on the Columbia Gas Transmission Corporation (Columbia Transmission) system. Specifically, Sohio requests the Commission to issue an order directing Columbia Transmission to deliver to Columbia Gas of Ohio, Inc. (Columbia Ohio) 50,070 Mcf of natural gas per average calendar day and 54,960 Mcf of natural gas per average operating day for redelivery to Sohio's industrial complex at Lima, Ohio, where these volumes of natural gas will be utilized primarily for the manufacture of fertilizer to be used in the 1975-76 agricultural season.

On July 16, 1975, the Ohio Public Utilities Commission (Ohio PUC) filed a notice of intervention, stating that while it seeks intervention in order to protect its interests and those of all within its jurisdiction affected by this proceeding, it neither supports nor opposes Sohio's request at this time, and accordingly requests a change in the caption of this

proceeding. On July 18, 1975, Columbia Ohio filed a petition of joinder with Sohio's request for the purpose of conferring upon Sohio the necessary standing before this Commission and in accordance with an Ohio PUC request. In these circumstances we believe that the caption of this proceeding should be modified to reflect this joinder by Columbia Ohio.

Sohio's sole supplier of natural gas is Columbia Ohio under an asserted firm contract providing for the daily delivery of 93,000 Mcf of natural gas and a maximum day delivery of 103,000 Mcf. The Lima complex includes a refinery, which has converted entirely to alternate fuels except for feedstock, safety, and emergency use; a small ammonia plant referred to as the Number 1 ammonia unit that has been offered for sale because of the unavailability of natural gas supplies; an industrial chemicals plant; a nitrogen plant; and the Number 2 ammonia unit.

In support of its petition for extraordinary relief Sohio claims that the natural gas requirements of its complex at Lima are primarily for the manufacture of ammonia, with relatively small quantities used for safety, processed, and environmental control. According to Sohio, a major portion of this ammonia is marketed directly, mainly to the agricultural markets. Most of the remaining ammonia is upgraded to urea, nitric acid, ammonium nitrate and nitrogen fertilizer solutions, and the balance is used as feedstock for the industrial chemicals plant. Sohio avers that its minimum requirements for natural gas, which are net requirements after maximum use of alternate fuels, consist of the following end uses:

Lima natural gas requirements by end use

	Average calendar day (Mcf/d)	Average operating day (Mcf/d)
No. 2 ammonia unit:		
Feedstock	29,450	32,330
Gas turbine process fuel	4,160	4,580
Reformer process fuel	11,700	12,500
Safety, process, environmental control:		
Refinery	3,600	3,900
Nitrogen plant	200	220
Industrial chemicals plant	990	1,010
Total	50,070	54,900

Columbia, Ohio has advised Sohio to expect a minimum curtailment level of 60 percent for the five-month winter period beginning November 1, 1975. On that basis Sohio would receive deliveries of 27,068 Mcf of natural gas per day for its claimed minimum average requirements of 50,070 Mcf per day at the Lima complex with a resulting loss in ammonia production exceeding 96,000 tons over the winter period. It asserts that there is no existing alternate fuel capacity for the end uses enumerated in the tabulation above. Columbia Ohio claims that it has no flexibility within its system to afford relief to Sohio because pursuant to its State curtailment plan, all its industrial and commercial customers that

used 1,000 Mcf or more in one month since the November, 1969 billing month will be curtailed 60 percent and 40 percent, respectively, during the coming winter.

Sohio alleges that ammonia is now in critically short supply, a condition anticipated to continue at least another four years. According to Sohio, the major use of ammonia is in the preparation of fertilizers or direct application as a fertilizer, whereas a smaller amount is consumed in industrial operations. The ammonia produced in the Lima complex is used for both industrial and agricultural purposes with an estimated 62 percent of total production in 1975 planned for agricultural use.

Pursuant to Notice published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before July 17, 1975. As previously mentioned, the Ohio PUC filed a timely notice of intervention, and Columbia Ohio filed a petition of joinder with Sohio's request. Timely petitions for leave to intervene were filed jointly by Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of New York, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc., and Columbia Gas of West Virginia, Inc. (Columbia Gas of Kentucky et al.); Columbia Gas Transmission Corporation (Columbia Transmission); Elizabethtown Gas Company (Elizabethtown); General Motors Corporation (General Motors); Orange and Rockland Utilities, Inc. and Washington Gas Light Company. Untimely petitions for leave to intervene were filed by Chas. Taylor Sons Company, Commonwealth Natural Gas Corporation (together with motion for leave to file out of time), National Fuel Gas Supply Corporation, The Cincinnati Gas & Electric Company and The Union Light, Heat and Power Company (joint), The Dayton Power and Light Company, and Union Carbide Corporation. A formal hearing is requested by four of the petitioners; namely, Columbia Kentucky et al., Columbia Transmission, Elizabethtown, and General Motors. Additionally, Elizabethtown requests that certain conditions be attached to any grant of extraordinary relief.

In view of the factual and legal issues raised by the contentions set forth above, we conclude that an evidentiary hearing should be held upon the request by Sohio for extraordinary relief to which its distributor, Columbia Ohio, filed a joinder. Accordingly, we shall establish hearing procedures to determine whether a grant of the instant request for extraordinary relief is in the public interest.

Under the Commission's Rules of Practice and Procedure, and General Policy and Interpretations, particularly Sections 1.7(b) and 2.78, 18 CFR 1.7(b) and 2.78, Columbia Ohio's petition of joinder shall be construed as a petition for the requested relief on behalf of its customer Sohio. Additionally, Sohio's Petition for Extraordinary Relief shall be construed as a petition to intervene pursuant to Section 1.8(b) (2), 18 CFR

1.8(b) (2), of the Commission's Rules of Practice and Procedure.

We are of the view that Sohio should present evidence intended to show that all of its industrial processes that can use an alternate fuel have been converted and that a fertilizer shortage does in fact exist. Additionally, Columbia Ohio should furnish testimony pertaining to what, if any, flexibility exists on its system to provide the relief requested herein.

The Commission finds:

(1) Sufficient good cause exists, and it is in the public interest to set for an expeditious, formal evidentiary hearing Sohio's request for extraordinary relief for a one-year period commencing November 1, 1975, from the curtailment plan in effect at the time on the Columbia Transmission system.

(2) Participation in this proceeding by Columbia Ohio is required by the public interest.

(3) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) Petitioner Columbia Ohio is hereby required to participate in this proceeding as a necessary party in interest, subject to the rules and regulations of this Commission.

(B) Sohio and the above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of this Commission: *Provided, however*, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and, *Provided, further*, that the admission of such parties as intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Columbia Ohio and Sohio should present *inter alia* evidence which is relevant and material to the following issues:

(1) The technical feasibility of conversion of Sohio's processes for which natural gas is here sought to use fuel oil instead of process gas, and the time and economic cost of bringing such converted process facilities on line operationally.

(2) Sohio should present evidence on the use of its end products; where and for what agricultural purposes ammonia produced at the Lima complex is used, how much is exported; and how and where the non-agricultural ammonia is used.

(3) The degree of severity of the ammonia and fertilizer shortages, and particularly the current supply and demand projections for such products by both industry and government. This evidence should include, but should not be limited to, current projections for the Spring, 1976 planting season.

(4) The current and projected future ability of Sohio to obtain alternate sources of natural gas of either an interstate or intrastate nature.

(5) The technical feasibility of construction, or lease of storage facilities, negotiation of exchange agreements, or production or purchase of LNG or SNG.

(6) Sohio should present further evidence of its sales of anhydrous ammonia fertilizer for the past five years, its projected sales over the next two years, its current inventory of fertilizer, and its projected output from all its sources to meet its projected requirements.

(D) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on October 22, 1975, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NW., Washington, D.C. 20426, concerning whether the requested extraordinary relief should be granted to Sohio as well as the issues relating thereto set forth in the recital above.

(E) On or before September 25, 1975, Columbia Ohio, Sohio and any supporting party shall file with the Commission and serve all parties, including Commission Staff, their testimony and exhibits in support of their positions, including the issues set forth in the recital above.

(F) On or before October 9, 1975, any parties, including the Commission staff, may file answering testimony and exhibits in response to the evidence filed by Columbia Ohio, Sohio and any supporting party.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24540 Filed 9-15-75;8:45 am]

[Docket No. E-9216]

DAYTON POWER AND LIGHT CO.

Further Extension of Procedural Dates

SEPTEMBER 8, 1975.

On September 3, 1975, the cities of Celina, St. Marys and Tipp City, Ohio, and the villages of Arcanum, Eldorado, Jackson Center, Lakeview, Mendon, Minster, New Bremen, Versailles and Yellow Springs, Ohio, filed a motion to extend the procedural dates fixed by order issued February 19, 1975, as most recently modified by notice issued July 23, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 26, 1975.

Service of Company Rebuttal, October 10, 1975.

Hearing, October 21, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24541 Filed 9-15-75;8:45 am]

[Docket Nos. CP73-132, et al.]

DISTRIGAS CORP.

Order Granting Severance of Proceedings

SEPTEMBER 8, 1975.

On July 11, 1975, Distrigas of Massachusetts Corporation (DOMAC) filed a motion requesting severance of certain of the above-docketed proceedings. DOMAC specifically requests that Docket Nos. CP73-135 and CP74-137, which allegedly pertain solely to Distrigas' Everett, Massachusetts LNG operations, be separated from those in Docket Nos. CP73-148 and CP74-122, which relate to the Staten Island LNG operations. In support of its motion, Distrigas states that numerous changes which have occurred in the status of the proceeding since the various applications were filed have obviated whatever reasons once existed for consolidating the Staten Island and Everett proceedings.

Initially, Distrigas points out that the long-term import application filed in Docket No. CP73-132 has been withdrawn, together with a companion sales application, due to the cancellation of the underlying LNG supply contract. Because of this, Distrigas is now negotiating for the transfer of its entire Staten Island facilities and operations to Public Service Electric and Gas Company. Thus, Distrigas' stated intention is now "to conduct operations through importation to the Everett terminal, only" (Motion p. 3).

In addition, Distrigas notes that the separate proceedings in CP70-196 are now concerned solely with the Everett operations, since the tanker Descartes will not be used to serve Staten Island.

From the foregoing, Distrigas maintains that the operations of its several affiliated companies can now be clearly divided into two groups, one relating to Staten Island, the other addressed to Everett. Included in the former are Docket Nos. CP73-148 and CP74-122, while the latter are encompassed by Docket Nos. CP73-135 and CP74-137. Distrigas concludes that its operations now involve two separate, unrelated projects, and considering them together is no longer necessary or feasible.

Responses to Distrigas' motion were filed July 23, 1975 by the City of New York (New York), and on August 5, 1975 by Intervenor Congressman John Murphy. New York states that it does not oppose the motion for severance. New York's answer also reiterates its position on the use of cryogenic trucks to ship LNG, a subject which is not a matter for consideration in the instant petition, and should be pursued at the hearing level. Finally, New York requests that the Secretary's request dated June 9,

1975 for certain information be expanded to include sales proposed in Docket No. CP76-9. Since any requests pertaining to the latter, separate docket must properly be raised in such proceeding, New York's request here is denied without prejudice to renewing the request in the proper forum.

Congressman Murphy's response includes a concurrent request for extension of time to file such response, and such extension is hereby granted. Congressman Murphy conditionally supports Distrigas' request for severance. However, Congressman Murphy notes that Distrigas, application is CP73-135 includes anticipated LNG barge shipments to Brooklyn Union's terminal in New York, and that Distrigas' statement that it no longer proposes such shipments is merely a statement of intention, and not legally binding. Congressman Murphy therefore states that he supports the requested severance only on the condition that Distrigas be legally bound not to transport LNG to New York by barge.

After reviewing all the above-described pleadings, the Commission believes that the requested severance will best serve the expeditious resolution of the various Distrigas proceedings. As Distrigas has noted, the historical reasons for which we initially consolidated these proceedings no longer exist, since the withdrawal of the CP73-132 importation request. The issues unique to one of the terminals should not now be allowed to possibly delay consideration of the other proceeding. Consolidation is appropriate only when common issues of fact and law are presented, and this is no longer the situation with Distrigas.

The issue raised by Congressman Murphy in the form of a requested condition, while a legitimate concern, need not be imposed at this time. We grant the instant Distrigas request based primarily on Distrigas' assurances that it "no longer proposes to bring the Descartes into Staten Island, nor does it have any present plans to use the barge Massachusetts to transport LNG from Everett to customers in the New York area". (Motion, p. 5). Should the situation change in the future, an appropriate motion to reconsider the present relief may be entertained by us. Furthermore, nothing in our present action prevents proper litigation of the issue of LNG shipments, should Distrigas revive its request for shipments to New York. In any event, the issue of the destination of LNG shipments from the Everett terminal is a matter for resolution within the formal hearings, and should not and cannot now cause us to deny the petitioners request. For the foregoing reasons, the Commission finds:

(1) The public interest requires that the request for severance of proceedings should be granted.

(2) The request of Congressman Murphy that such relief be conditioned on a provision that Distrigas be prohibited from transporting LNG by barge to Brooklyn Union is inappropriate.

(3) New York's request that the Secretary's data request of June 9, 1975 in Docket No. CP73-135 be expanded to include sales proposed in Docket No. CP76-9 should be denied.

The Commission orders:

(A) The motion filed July 11, 1975 by Distigas of Massachusetts Corporation, requesting that Docket Nos. CP73-148 and CP74-122, relating to Staten Island, be severed from Docket Nos. CP73-135 and CP74-137, relating to Everett, is granted.

(B) The City of New York's request that the information request from the Secretary dated June 9, 1975 be expanded to include the proposal in Docket No. CP76-9, is denied without prejudice.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-24542 Filed 9-15-75; 8:45 am]

[Docket Nos. C 175-319, et al.]

GETTY OIL CO., ET AL.

Amended Notice of Procedural Dates

SEPTEMBER 8, 1975.

Getty Oil Company, Atlantic Richfield Company, Continental Oil Company, Cities Service Oil Company, Michigan Wisconsin Pipe Line Company, Marathon Oil Company, Louisiana Land Offshore, Exploration Company, Inc., Texas Eastern Exploration Company, Texaco, Inc., Tenneco Oil Company, Tenneco Exploration, Ltd.; Docket No. CI75-319, CI75-411, CI75-493, CI75-558, CP69-249, CP70-163 and CP73-65, CI75-641, CI75-642, CI75-648, CI75-680, CI75-746 and CI75-747, CI75-748.

Notice is hereby given that the "Notice of Extension of Procedural Dates" issued on September 4, 1975, under the caption of "Marathon Oil Company," Docket Number CI75-641, is amended to include the following proceedings:

Getty Oil Company—CI75-319.
Atlantic Richfield Company—CI75-411.
Continental Oil Company—CI75-493.
Cities Service Oil Company—CI75-558.
Michigan Wisconsin Pipeline Company—CP69-249, CP70-153, and CP73-65.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-24543 Filed 9-15-75; 8:45 am]

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION INC.

Extension of Procedural Dates

SEPTEMBER 8, 1975.

On September 3, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 18, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 4, 1975.

Service of Intervenor Testimony, November 18, 1975.

Service of Company Rebuttal, December 2, 1975.

Hearing, December 16, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-24544 Filed 9-15-75; 8:45 am]

[Docket No. ER75-88]

IOWA SOUTHERN UTILITIES CO.

Filing of Interconnection and Interchange Agreement

SEPTEMBER 8, 1975.

Take notice that Iowa Southern Utilities Company (Iowa Southern) on August 25, 1975, tendered for filing an Interconnection and Interchange Agreement between it and Iowa Electric Light and Power Company. This Agreement supersedes an earlier interchange agreement between these two parties designated as F.P.C. Rate Schedule No. 16, dated August 7, 1961.

Iowa Southern states that the Agreement reflects the changes in the companies' systems since the execution of the August 7, 1961 agreement and continues to allow the companies to plan, coordinate and operate their interconnected facilities for the interchange of electric power and energy. Iowa Southern has requested an effective date of May 1, 1975, for this Agreement.

Copies of the filing were served on the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and Section 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-24545 Filed 9-15-75; 8:45 am]

[Docket No. RI75-133]

J. M. HUBER CORP.

Order Approving Petition for Special Relief

SEPTEMBER 8, 1975.

On April 21, 1975, J. M. Huber Corporation (Huber) filed a petition for special relief pursuant to Section 2.76 (18 CFR 2.76) of the Commission's General Policy and Interpretations with respect to a sale of natural gas to Cities Service Gas Company (Cities) from

Huber's Church No. 2 well, Hugoton Field, Morton County, Kansas (Hugoton-Anadarko Area) under Huber's FPC Gas Rate Schedule No. 8.

Pursuant to a base contract dated June 23, 1950, as amended, Huber is currently selling the gas to Cities at a rate of 13.5 cents per Mcf. On March 10, 1975, Cities and Huber further amended such contract to provide for a price of 50 cents per Mcf at 14.65 psia to enable Huber to repair and maintain water lift equipment on the well.

Huber indicated that if the economic relief requested is granted, it will be able to continue production from the Church No. 2 well, but that abandonment is imminent if repair and maintenance of water removal equipment is not performed immediately. Huber states that production is no longer profitable at the current rate. Based on data submitted by Huber, the Commission's staff estimates that with the proposed work, 38,460 Mcf of gas and no liquids could be produced from the well over the next four years.

Our staff has undertaken a careful review of the data submitted by Huber in support of its petition and in response to Staff inquiries, including a field audit; and, based on the reserves to be recovered and the costs to be incurred, has concluded that the proposed rate of 50 cents per Mcf is supported by the evidence. After due consideration of the record in this proceeding, including the analysis by the staff, and the information supplied in support of the petition by Huber, we conclude that the petition should be granted.

A notice of the filing of the petition was issued on May 6, 1975, and appeared in the FEDERAL REGISTER on May 12, 1975, at 40 FR 20680. Cities filed a petition to intervene in support of Huber's petition.

The Commission orders:

(A) The petition for special relief filed by Huber on April 21, 1975, in Docket No. RI75-133 is hereby granted.

(B) Huber is authorized to charge and collect from Cities a total rate of 50 cents per Mcf at 14.65 psia, for gas from the Church No. 2 well effective upon the date of completion of the remedial work to the satisfaction of the purchaser. This acceptance is contingent upon Huber's filing:

1. A notification signed by Cities that the proposed remedial work on the subject well has been successfully completed and,

2. An appropriate rate change filing pursuant to Section 154.94(f) of the Commission's Regulations.

(C) The amendment executed on March 10, 1975, by Huber and Cities to the base contract of June 23, 1950, is accepted for filing as Supplement No. 20 to Huber's FPC Gas Rate Schedule No. 8.

(D) The petition to intervene of Cities

Huber's petition does not include consideration of income tax obligations, if any, incurred by Huber as a result of the Tax Reduction Act of 1975.

is granted as necessary and proper in the public interest.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24546 Filed 9-15-75;8:45 am]

[Docket No. ER76-89]

KANSAS CITY POWER & LIGHT CO.

Tariff Change

SEPTEMBER 8, 1975.

Take notice that on August 25, 1975, Kansas City Power & Light Company (KCP&L) tendered for filing proposed changes in the Reserve Equalization and Standby Service Charges included in the General Participation Agreement.

KCP&L states that the following are participants under the General Participation Agreement with the following FPC Rate Schedule Numbers:

Kansas City Power & Light Company, Rate Schedule FPC No. 32.

Missouri Public Service Company, Rate Schedule FPC No. 8.

The Empire District Electric Company, Rate Schedule FPC No. 73.

Kansas Gas and Electric Company, Rate Schedule FPC No. 94.

The Kansas Power and Light Company, Rate Schedule FPC No. 7.

Central Telephone & Utilities Corporation, Rate Schedule FPC No. 53.

Central Kansas Power Company, Inc., Rate Schedule FPC No. 2.

KCP&L states that the purpose of the filing is to adjust the charges which were originally established at the inception of the Agreement in 1962, for the changes in costs, which have since occurred.

KCP&L requests an effective date of July 1, 1975, for the proposed changes.

KCP&L states that the other participants under the General Participation Agreement filed certificates of concurrence to the proposed changes with KCP&L's submittal.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24547 Filed 9-15-75;8:45 am]

[Docket No. RP76-8]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 8, 1975.

Take notice that Kansas-Nebraska Natural Gas Company, Inc., on August 29, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by \$9,890,611 based on the 12 month period ending April 30, 1975, as adjusted.

Kansas-Nebraska states that the jurisdictional rates filed herewith are designed to enable Kansas-Nebraska to recover increases in its jurisdictional cost of service resulting from: (1) additional facilities required to connect new sources of supply and to maintain deliverability from existing sources of supply; (2) gas exploration and development including advance payments; (3) increased operating costs due to higher costs of labor, materials and supplies; (4) new underground storage facilities; (5) increased revenues needed to provide a return of 10.35% on its utility investment; (6) increased depreciation rate on transmission facilities; and (7) increased income, payroll and property taxes.

In addition to the changes to reflect the increased rates Kansas-Nebraska proposes various changes in its existing tariff; and, therefore, has filed a Third Revised Volume No. 1 to replace the Second Revised Volume No. 1. The changes in the revised tariff consist of: (1) change in the jurisdictional zone boundaries; (2) consolidation on one tariff sheet the rates charged for service to each rate zone; (3) change in determination of contract demand and winter period demand; (4) revisions in the General Terms and Conditions concerning definitions, measurement, restrictions on new or additional service and extension policy.

Copies of the filing were served upon the Company's jurisdictional customers and interested public bodies. In addition, the tariff provision concerning restrictions on new or additional service was served upon the industrial and alfalfa dehydration customers served directly by the Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24548 Filed 9-15-75;8:45 am]

[Docket No. ER76-39]

KANSAS POWER AND LIGHT CO.

Extension of Time

SEPTEMBER 9, 1975.

On September 4, 1975, the Kansas Power and Light Company filed a motion to extend the time within which to file responses to the "Motion to Reject, Protest and Petition to Intervene" filed in the above-designated proceeding by Kansas Wholesale Municipal Customers on August 20, 1975.

Notice is hereby given that the time to file responses to the above-indicated motion in this proceeding is extended to and including September 19, 1975 for all parties.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24558 Filed 9-15-75;8:45 am]

[Docket No. RI76-7]

MOBIL OIL CORP.

Order Granting Special Relief and Permitting Intervention

SEPTEMBER 8, 1975.

On July 14, 1975, Mobil Oil Corporation (Mobil) filed in Docket No. RI76-7 a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) with respect to a sale of natural gas to Cities Service Gas Company (Cities) from the Pickrell-Forsythe "B-1" Gas Unit located in the Medicine Lodge North Field, Barber County, Kansas.

Mobil owns a 50% working interest in the Pickrell-Forsythe "B-1" Gas Unit. Mobil is currently collecting a rate of 15 cents per Mcf for the sale to Cities pursuant to a gas sales contract dated November 10, 1958 and designated as Mobil's FPC Rate Schedule No. 183. In order to increase production to an economic level and to preclude premature abandonment, Mobil states that it was necessary to install water pumping equipment on the well unit, and that a gas compressor unit will be installed in the near future. In consideration of Mobil's cost of the reworking operations, Cities agreed to an amendment to their gas sales contract on October 17, 1974. The amendment provides for an increase in rate to 34.5 cents per Mcf.¹

Notice of Mobil's petition for special relief was issued on July 23, 1975, and

¹ The rate sought by Mobil does not take into account any effect on Mobil's tax liability resulting from the repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

appeared in the FEDERAL REGISTER on July 30, 1975, at 40 FR 31990. Cities filed a timely petition to intervene in support of the petition.

The Commission's Staff has conducted a detailed analysis of the data submitted by Mobil. Based thereon Staff has estimated that as of January 1, 1975, recoverable reserves of 149,700 Mcf remain to be produced over a period of five years, and Staff has determined that the proposed rate is cost justified. Upon consideration of the record in this proceeding, including the Staff analysis of the data submitted, we concur.

The Commission finds:

(1) The petition for special relief filed by Mobil should be granted.

(2) Good cause exists to allow Cities to intervene in this proceeding.

The Commission orders:

(A) The petition for special relief of Mobil is hereby granted.

(B) Mobil is authorized to collect 34.5 cents per Mcf at 14.65 psia for all gas produced from the Pickrell-Forsythe "B-1" Gas Unit effective on the date the new compressor is installed and made operative, subject to the following conditions: 1) Mobil must file, in Docket No. RI76-7, a statement signed by Cities, setting forth the date that the compressor was made operative, and 2) said statement is to be filed within 30 days of the date the compressor is installed and made operative.

(C) Mobil must file the appropriate rate change filings in accordance with Section 154.94 of the Commission's Regulations under the Natural Gas Act (18 CFR § 154.94) accompanied by a copy of the contract amendment dated October 17, 1974 between Mobil and Cities.

(D) Cities is permitted to intervene in this proceeding for special relief subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition for leave to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings, and that the intervenor agrees to accept the record as it now stands.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc. 75-24549 Filed 9-15-75; 8:45 am]

[Docket No. RP73-63]

**NATURAL GAS PIPELINE COMPANY
OF AMERICA**

Order Denying Request To Amend Authorization Order and Granting Interventions

SEPTEMBER 9, 1975.

By order issued August 3, 1973,¹ the Commission approved a settlement pro-

posal in this proceeding which contained, *inter alia*, a provision which authorized Natural Gas Pipeline Company of America (Natural), for a period of twelve years, to price natural gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate. It further authorized Natural to establish a "revolving exploration and development fund" comprised of funds generated by the difference between the area rate and the cost of service. By order issued August 2, 1974, the Commission amended its previous order by authorizing Natural to transfer all revenues derived from the repricing of gas from Natural's existing gas producing properties to NAPECO, Inc., a wholly owned subsidiary company, which would conduct the exploration and development program and sell any gas found to Natural for use by Natural's customers.

On January 24, 1975, Natural filed a petition to amend the authorization for its revolving exploration and development fund. Natural's petition seeks authorization to enlarge the exploration and development fund with the revenues generated by Natural's sales to Phillips Petroleum Company of liquid hydrocarbons extracted from natural gas production in two facilities operated by Natural in the West Panhandle Field. The revenues generated from these sales are presently treated as a credit against Natural's jurisdictional cost of service. Natural therefore requests the Commission

(a) to permit it to enlarge the revolving exploration and development fund to include all revenues attributable to the sale by Natural to Phillips Petroleum Company of liquid hydrocarbon products under a contract dated September 1, 1966, until such time as the proposed SNG sale pending in Docket No. CP74-81 is approved and such SNG sale commences;²

(b) to permit Natural to discontinue reducing its jurisdictional costs of service by the amount of revenues generated from the liquids sale to Phillips Petroleum Company; and

(c) to permit Natural to file revised tariff sheets in its FPC Tariff to reflect removal of the credit against its currently effective and future jurisdictional cost of service attributable to the sale of liquids to Phillips Petroleum Company.

Natural's filing was noticed on February 5, 1975, with all comments, protests and petitions to intervene due on or before February 21, 1975. Northwest Pipeline Corporation and Mississippi River Transmission Corporation filed timely petitions to intervene.

Natural states that it estimates that for 1975, the liquid revenues which would be added to the fund would be 1.936 million dollars. Natural further estimates that the fund would be increased by 10.2 million dollars through 1985 based on the rate of \$4.61/Bbl authorized by the

Settlement Proposal, Authorizing Sale of Gas at Applicable Area Rates, Authorizing Amendment of Purchase Gas Adjustment Clause, and Terminating Proceedings.

² By order issued February 21, 1975, the Commission denied approval of this requested SNG sale.

Federal Energy Administration at the time the application to amend authorization was made.

Natural further states that, based on the cost of service filed in Docket No. RP74-96, the liquid revenues, which now operate as a credit against its jurisdictional cost of service, represent approximately .3% of the cost of service and if the credit were eliminated its jurisdictional rates would increase approximately .19¢ per Mcf.

Upon review and analysis of Natural's petition to amend its revolving exploration and development fund authorization we are compelled to deny such request. The grant of Natural's request would result in an increased jurisdictional cost of service with an attendant increase in rates without any guarantee that the jurisdictional ratepayer will be the recipient of an increased gas supply. We note further that in the instant application Natural has not revised its reserve dedication goal as set out in our order of August 2, 1974³ despite the estimated increase in the fund through 1985 of 10.2 million dollars. We are further of the opinion that it is unnecessary to grant Natural's request in light of (1) the Commission's prior orders permitting inclusion of advance payments in Natural's rate base;⁴ (2) the level of return on common equity which the Commission allows pipelines, such as Natural, which is designed to compensate the pipelines, *inter alia*, for risks associated with pipelines' capital requirements for development of supplemental and alternate resources of gas supply;⁵ and (3) the Commission's pending consideration of a rate design proposal for flowing gas produced

³ In our order of August 2, 1975 wherein we granted a request to amend the authorization, based on information from Natural, we conditioned the authorization as follows:

"(2) the volume of 200,000,000 Mcf of natural gas reserves shall be established as the target volume to be discovered or acquired and dedicated to Natural's system as a result of the exploration program. If at the end of the 12 year period Natural has been unable to add the aforementioned target volume of reserves to its system, Natural shall make a full accounting of its activities for said 12 year period, and any funds not spent for exploration and development activities as of that time shall be refunded to Natural's customers; provided however, that at the end of five years from date of issuance of the requested authorization Natural shall report to the Commission its efforts toward dedication of 200,000,000 Mcf in new reserves; and if a bona fide effort toward achieving such target volume has not been made, the Commission may require refunds to Natural's customers of any amounts not expended on bona fide exploration and development activities or take any other action that it deems necessary to protect the public interest."

⁴ Natural Gas Pipeline Company of America, Docket No. RP73-110, order issued September 4, 1974.

⁵ See Northern Natural Gas Company, Docket No. G-19040, order issued April 14, 1975.

¹ Natural Gas Pipeline Company of America, Docket No. RP73-63, Order Adopting

from wells commenced prior to January 1, 1973.* Because of the lack of protections to the ratepayer, whose rates will increase, and our conclusion that the above measures taken by and considered by the Commission provide sufficient incentive for Natural in its exploration and development activities, we are of the opinion that it is not in the public interest to grant Natural's petition to amend its authorization of its revolving exploration and development fund.

The Commission finds:

(1) Natural's January 24, 1975 petition to amend its exploration and development fund authorization to permit it to include therein revenues attributable to sales of liquid hydrocarbons to Phillips Petroleum Company and to correspondingly cease crediting its jurisdictional cost of service by the amount of this revenue should be denied.

(2) Good cause exists to grant the petitions to intervene filed on behalf of Northwest Pipeline Corporation and Mississippi River Transmission Corporation.

The Commission orders:

(A) Natural's January 24, 1975 petition to amend its exploration and development fund authorization to permit it to include therein revenues attributable to sales of liquid hydrocarbons to Phillips Petroleum Company and to correspondingly cease crediting its jurisdictional cost of service by the amount of this revenue is hereby denied.

(B) The petitions to intervene filed on behalf of Northwest Pipeline Corporation and Mississippi River Transmission Corporation are hereby granted.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc.75-24559 Filed 9-15-75; 8:45 am]

[Docket No. E-9039]

NORTHERN STATES POWER CO.
Extension of Procedural Dates

SEPTEMBER 8, 1975.

On August 29, 1975, Northern States Power Company filed a motion to extend the procedural dates fixed by order issued August 1, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company, Testimony, October 16, 1975.

Service of Staff, Testimony, November 14, 1975.

Service of Intervenor, Evidence, November 28, 1975.

* Nationwide Rulemaking to Establish Just and Reasonable Rates For Natural Gas Produced From Wells Commenced Before January 1, 1973, Docket No. R-478, Notice of Proposed Rulemaking issued May 23, 1973; Notice Issuing Staff Rate Recommendation and Prescribing Procedures, issued September 12, 1974.

Service of Company, Rebuttal, December 11, 1975.

Hearing, January 2, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24550 Filed 9-15-75; 8:45 am]

[Docket No. CP76-58]

NORTHWEST PIPELINE CORP.
Notice of Application

SEPTEMBER 8, 1975.

Take notice that on August 20, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-58 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas on a best efforts basis with Pacific Gas Transmission Company (PGT) from November 1, 1975, through September 30, 1976, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to exchange natural gas with PGT commencing upon the receipt of all regulatory authorizations necessary, or on November 1, 1975, whichever date is later, and continuing through September 30, 1976. Applicant states that the terms and conditions of the proposed arrangement are set forth in an emergency exchange agreement among itself, PGT and Pacific Gas and Electric Company (PG&E) dated August 1, 1975, which provides that Applicant would receive up to 150,000 Mcf of natural gas per day and up to a total of 1,200,000 Mcf of gas from November 1, 1975, until April 31, 1976, from PGT at existing interconnections with PGT at Stanfield, Oregon, and Spokane, Washington. Applicant states that the gas would be delivered to it if and to the extent that PG&E, a customer of PGT, determines that it can temporarily postpone receipts of such gas from PGT at the Oregon-California border. The gas delivered to Applicant would be in addition to those volumes which PGT is currently obligated to deliver to Applicant. Applicant would redeliver gas at Stanfield from May 1, 1976, through September 30, 1976, to the extent it has gas available and to the extent PGT and PG&T can accept deliveries.

Applicant would pay \$1.68 to PGT on a monthly basis for each Mcf of gas delivered to Applicant, and such amounts would be credited to PG&E by PGT for the additional burden placed upon PG&E's system. Applicant would further pay to PGT an amount equal to the then existing border price of gas charged to PGT by Algerta and Southern Gas Company Limited if Applicant is unable to redeliver the volumes of gas delivered to it, multiplied by the volumes in Mcf of gas remaining to be delivered by Applicant, plus a sum based on PGT's cost of service for the month of September 1976 to transport such volumes from the International Boundary to the Oregon-California border.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1975, file with the Federal Power

Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24551 Filed 9-15-75; 8:45 am]

[Docket No. CP76-63]

PANHANDLE EASTERN PIPE LINE CO.
Application

SEPTEMBER 8, 1975.

Take notice that on August 26, 1975, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-63 an application pursuant to Section 7 of the Natural Gas Act, as implemented by Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment for a twelve month period commencing on the date of issuance of such authorization and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

The total cost of the proposed facilities would not exceed \$1,500,000, and no single project would exceed \$375,000, which cost Applicant states would be borne from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24552 Filed 9-15-75; 8:45 am]

[Docket No. CI75-110, CI75-145]

PHILLIPS PETROLEUM CO.

Modification of Hearing Date

SEPTEMBER 9, 1975.

On August 22, 1975, Michigan Wisconsin Pipe Line Company filed a motion to extend the procedural dates fixed by order issued August 19, 1975, in the above-designated proceeding. On August 26, 1975 and on August 29, 1975, Phillips Petroleum Company and Tennessee Gas Pipeline, a division of Tenneco, Inc. filed responses to the above motion.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed to October 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24560 Filed 9-15-75; 8:45 am]

[Docket No. RP73-92; PGA76-2A]

RATON NATURAL GAS CO.

Change in Rates

SEPTEMBER 8, 1975.

Take notice that Raton Natural Gas Company (Raton) on September 4, 1975,

tendered for filing, proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Second Substitute Eighth Revised Sheet No. 3a. The change in rates is for Jurisdictional Gas Service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only for, increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG). Raton states that the annual revenue increase by reason of the tracking of CIG's increased rate amounts to \$8,850.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24553 Filed 9-15-75; 8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Order Granting Appeal from Ruling of Presiding Administrative Law Judge

SEPTEMBER 8, 1975.

The Staff of this Commission on August 8, 1975, has filed an appeal to the Commission from a ruling by Presiding Administrative Law Judge Walter T. Southworth in the above-entitled proceeding. Southern California Edison Company (Edison) on August 22, 1975, filed a response to the Staff, and the Cities of Anaheim, Riverside, Banning, Colton, and Azusa, California (Cities) on August 26, 1975 (as amended) filed a response in support of the Staff's appeal.

By order of June 17, 1975, the Commission referred to the Administrative Law Judge a motion by the Cities asking, among other things, that we sever from the other issues in this wholesale rate proceeding the issues as to the justness and reasonableness of Edison's fuel adjustment clause, order additional evidentiary hearings and order Edison to provide additional data. The Commission noted that Cities had alleged that various events had occurred since the hearings in December 1974, including the issuance of an audit by the California Public Utilities Commission (CPUC) making additional hearings necessary. The California audit covered a so-called Walnut Grove Oil Trust Agreement between Edison and two banks to finance fuel inventory.

In response, we authorized the Judge to reopen the record insofar as it pertained to Edison's fuel adjustment clause

and to hold additional hearings on the justness and reasonableness of that provision if he found such action appropriate and in the public interest. We added that if the additional hearings and briefings were likely to delay the initial decision significantly, he was authorized to sever the fuel adjustment issues.

In a ruling of June 26, 1975, the Judge found that further inquiry was necessary only with respect to the Trust Agreement since Edison has included or proposes to include trust expenses in fuel costs. The Judge therefore reopened the record for the sole purpose of receiving evidence on the proper application of the costs of the trust and provided for a hearing.

The Staff responded that the Commission's Division of Audits, Office of Accounting and Finance had undertaken a special audit of Edison, among other companies, on the propriety of items included in Account 151, Fuel Stock, and the information being obtained is substantially different from anything previously provided either by Edison or Cities. The Staff asked that the June 26, 1975, ruling be revised to expand the scope of the hearing so as to include all issues relating to the costs to be properly included in Account 151 and requested a complete breakdown of all charges made to that account.

On July 21, 1975, the Judge ruled that the Staff's proposal appeared to conflict or duplicate the Staff audit. He said the normal procedure would be for the auditors to discuss their findings with responsible officials of the company and attempt to eliminate differences. He added that it would be premature to commence a hearing any earlier.

The Staff in its appeal says that the FPC audit, as well as an audit of the CPUC have revealed information as to specific discrepancies that have raised serious doubts as to the propriety of all costs being flowed through by Edison to its wholesale customers under its fuel adjustment clause. The Staff submits that sufficient extraordinary circumstances exist to expand the scope of this proceeding to include all evidence relevant and material to a determination of the costs to be properly included in Edison's Account 151, and to require Edison to break out and support all entries made to Account 151 since May 2, 1974. In any case the Staff requests that the Commission expand the scope of this proceeding to allow submission into the record of the Staff's audit and testimony from all parties concerning the fuel cost issues raised thereon. The Staff further requests that should either or both of its alternatives be granted, the fuel clause issue be severed from the remaining issues in this proceeding to allow an expeditious decision on such issues.

In its answer to the Staff Edison contends that there are no extraordinary circumstances which justify the appeal of the Judge's Ruling, that the special audits are related to rulemaking and that there is no reason for the Commission to follow a procedure here that is any different than it contemplates in connection with special audits of other utilities,

that the Staff and parties had ample opportunity to inquire into accounting procedures before and at the hearing, that the Staff is now seeking a general accounting review of Edison's practices and procedures relating to fuel expense and that at some point in time the record must be closed.

In their response Cities asserts that the information in the Staff audit certainly pertains to the justness and reasonableness of Edison's fuel clause, and they ask that the Staff's appeal be granted.

Because of the Staff audit that might be highly relevant and useful in reaching a determination on Edison's fuel costs there are, in our opinion, extraordinary circumstances to permit an appeal within the meaning of Section 1.28 of the Commission's Rules of Practice and Procedure.

We are reluctant, however, to reopen the record here since a substantial amount of time has passed since it was closed, but, we think that we would be failing to carry out our functions under the Federal Power Act if we refused to consider the Staff audit in these proceedings. We therefore direct the Hearing Judge to reopen the record to admit the Staff audit and provide opportunity for the filing of evidence on the issues raised. By this we do not mean to open up a full investigation here of Edison's financial practices, but mean to confine this reopening to the issues raised by the Staff audit. The Hearing Judge should set a schedule for the receipt of additional evidence and cross-examination. If he is of the opinion that severance of the fuel clause issues would expedite the issuance of his initial decision on the remaining issues he is authorized to do so.

The Commission finds:

It is necessary and appropriate in the administration of the Federal Power Act that the record be reopened in the above-entitled proceedings under the conditions of this order.

The Commission orders:

(A) In addition to the reopening ordered by the Administrative Law Judge in his Ruling of June 26, 1975, the record is reopened in these proceedings to permit the presentation in evidence of the Staff special audit by the Division of Audits, Office of Accounting and Finance, relating to fuel adjustment costs and to permit testimony and cross-examination on the issues raised by the Staff audit.

(B) The Administrative Law Judge shall prescribe a time schedule for the filing of evidence and cross-examination.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-24554 Filed 8-15-75; 8:45 am]

[Docket Nos. CP75-275, et al.]

TEXAS GAS TRANSMISSION CORP., ET AL.

Order Granting Temporary Authorization, Consolidating Proceedings, Setting Hearing Date, Establishing Procedures, and Permitting Interventions

SEPTEMBER 8, 1975.

Texas Gas Transmission Corporation, Tennessee Gas Pipeline Company, Transcontinental Gas Pipe Line Corporation, Energy Development Corporation; Docket Nos. CP75-275, CP75-276, CP75-337, CS73-296.

Texas Gas Transmission Corporation (Texas Gas) in Docket No. CP75-275, Tennessee Gas Pipeline Company (Tennessee) in Docket No. CP75-276, and Transcontinental Gas Pipe Line Corporation (Transco) in Docket No. CP75-337 seek authority to transport, on a best efforts basis, up to 15,000 Mcf of natural gas per day for Public Service Electric and Gas Company of New Jersey (Public Service), an existing resale customer of Tennessee and Transco, and Public Service's wholly-owned producing subsidiary, Energy Development Corporation (EDC).

Texas Gas filed its application on March 21, 1975, proposing to receive and to transport for EDC up to 15,000 Mcf per day by displacement, from the North Parperdue Field¹ to an existing interconnection with Tennessee at the tailgate of Shell Oil Company's Chalkley Gasoline Plant, Cameron Parish, Louisiana. Tennessee's application was filed on March 21, 1975, which proposes to transport the North Parperdue gas for Public Service from the Chalkley Gasoline Plant to an existing point of delivery to Transco in Bergen County, New Jersey. Transco's application filed on May 13, 1975, proposes to transport the gas from the point of receipt in Bergen County and deliver it to Public Service at existing delivery points on Transco's Riverdale, New Jersey lateral.

No additional facilities will be required by any of the Applicants as the proposed service will be on an interruptible or best efforts basis.

The gas to be transported by Applicants will be sold to Public Service by its producing affiliate, EDC, pursuant to a contract dated February 22, 1974, as amended February 28, 1975, at a rate of 51 cents per Mcf. EDC has, by letter agreement dated February 28, 1975, agreed to provide for sale to Tennessee at the same rate, certain volumes of gas to be used for system fuel and use requirements associated with Tennessee.

¹ The subject gas will be obtained from EDC's production in the North Parperdue Field, Lafayette and Vermilion Parishes, Louisiana.

For transportation services, the following rates are proposed:

(a) by Texas Gas to EDC, 2.05 cents per Mcf transported;

(b) by Tennessee to Public Service, 38.28 cents per Mcf transported and delivered; and

(c) by Transco to Public Service, 2.8 cents per Mcf transported.

The transportation service is proposed for a term ending November 1, 1983, and year-to-year thereafter. No estimates of revenues and costs have been submitted by Applicants on the grounds that such amounts would be relatively negligible compared to overall system operation, especially in view of the interruptible nature of the transportation. In the hearing hereinafter ordered to convene, Applicants should present evidence on all of the public convenience and necessity issues involved in these proposals, including, end use consumption of the gas, the amelioration, if any, on curtailment to the other customers on Applicants' systems, propriety of the proposed transportation rates.

EDC will sell the gas pursuant to a conditioned temporary small producer certificate issued by letter order of June 13, 1974, in Docket No. CS73-296.² By order issued May 15, 1975, in Docket No. CS75-239, we denied the application of Crab Run Gas Company, a wholly-owned subsidiary of Washington Gas Light Company, for a small producer certificate, since the grant of a small producer certificate to an affiliate of a distribution company would preclude any Commission scrutiny of the rates. In the hearing hereinafter convened, EDC should present evidence to show that the public convenience and necessity requires the issuance of a small producer certificate to it for the subject sale to Public Service.

The proceedings involved in Docket Nos. CP75-275, CP75-276, CP75-337 and CS73-296 contain common questions of law and fact, which warrant the consolidation of these proceedings for the purposes of hearing and decision. Applicants have alleged an emergency need for the services proposed and have requested temporary authority to render such services. We believe that such authority should be granted as hereinafter conditioned pending determination of the issues in the consolidated proceeding.

Timely notices of intervention and petitions to intervene were filed by the Board of Public Utility Commissioners of the State of New Jersey, the State of Louisiana, Public Service, EDC, Brooklyn Union Gas Company, Columbia Gas

² By order issued June 13, 1974, in Docket No. CP74-150, Transco was authorized to transport gas for Public Service, which was purchased by Public Service from EDC in Texas.

Transmission Corporation, Consolidated Gas Supply Corporation, Tennessee Gas Pipe Line Company, and Westinghouse Electric Corp.

All of the above Petitioners have shown sufficient interest in these proceedings and, therefore, their intervention may be in the public interest and should be granted.

The Commission orders:

(A) The proceedings in Docket Nos. CP75-275, CP75-276, CP75-337, and CS 73-296 are hereby consolidated for purposes of hearing and decision.

(B) Pursuant to the authority of the Natural Gas Act, particularly Section 7 and 15 thereof, the Commission Rules of Practice and Procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing October 21, 1975, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should issue for the services proposed by Applicants in Docket Nos. CP 75-275, CP75-276, and CP75-337, and whether EDC should be permitted to sell its gas reserves to Public Service pursuant to a small producer authorization.

(C) On or before September 29, 1975, Applicants, Public Service, EDC, and all persons in support of the issuance of a certificate for the proposed services, including a small producer certificate to EDC, shall file their prepared testimony and exhibits comprising their cases-in-chief upon all parties to this consolidated proceeding, the Office of Administrative Law Judges, and Commission Staff.

(D) The Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for that purpose [see, Delegation of Authority, 18 CFR § 3.5(d)] shall preside at the hearings and shall prescribe such further procedures as may be warranted in consideration of the matters involved in this consolidated proceeding.

(E) Based upon the allegations presented in their requests for temporary authority to render the proposed services, we find that an emergency exists and we hereby issue a temporary certificate to Texas Gas, Tennessee, and Transco in this consolidated proceeding pursuant to Section 7 of the Natural Gas Act to render the services proposed in the applications conditioned as follows:

(1) the gas to be transported shall not be used as boiler fuel for electric power generation or to offset curtailment of gas for boiler fuel use and Public Service shall so certify adherence to this condition by statement of a responsible officer duly attested and filed with the Commission prior to commencement of service under this temporary authorization.

(2) EDC is hereby requested to sell to either Texas Gas, Tennessee, or Transco at the national rate any gas owned or controlled by EDC in the North Parapet Field, which is not already committed to the interstate market and

is surplus to the requirements of this project.

(3) the proposed transportation rates are effective subject to refund pending final Commission approval.

(4) Applicants shall comply with Part 154 and Section 157.20 of the Regulations.

(5) Applicants acceptance or rejection of the temporary certificates herein issued shall be filed within 15 days of the date hereof and, if accepted, shall be effective upon the date of receipt of the acceptance by the Secretary.

(6) the issuance of temporary certificates herein is without prejudice to such final disposition of the applications for certificates as the record may require.

(F) The above-named Petitioners are hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting the asserted rights and interests as specifically set forth in the petitions for leave to intervene; *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[PR Doc.75-24555 Filed 9-15-75; 9:45 am]

[Docket No. RP75-75]

**TRANSCONTINENTAL GAS PIPE LINE
CORP.**

**Order Granting Staff Motion for Summary
Disposition**

SEPTEMBER 9, 1975.

Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on March 14, 1975, a proposed increase in annual revenues from jurisdictional sales. The Commission on April 30, 1975, accepted this for filing and suspended the new rates for five months, to become effective on October 1, 1975. At issue now is Staff's July 18, 1975, motion for summary disposition of interest payments to a producer which are a part of the proposed rate increase. Transco responded in opposition to this motion on August 1, 1975. Then on August 8, 1975, Staff requested leave to respond to Transco's answer.

Transco's \$39,500,000 proposed jurisdictional rate increase includes \$1,140,160 covering the amortized portion of "carrying charges under an advance payment agreement with the Louisiana Land and Exploration Company" (LLOXY). This component results from an October 1, 1974, contract between Transco and LLOXY in which Transco agreed to make interest cost advances to LLOXY in return for gas purchase contracts for all gas produced and sold from the working interests procured with Transco's financial assistance.

Staff's motion to summarily excise these interest cost advances from Transco's filing is premised upon several recent Commission orders rejecting this same rate item.¹ Staff notes that the Commission therein rejected such interest reimbursements to producers for they do not satisfy the advance payment regulations in that, while the advance payment programs are intended to assist in capital formation so as to stimulate exploration and development of gas for the interstate market, the instant interest cost advances go to producers who have already been able to acquire E&D capital.

Transco opposes summary disposition by arguing that, since the Commission accepted and suspended its entire filing, it has a right to a hearing under Section 4(e) before the rate increase can be reduced. Transco also asserts that, even if the Commission were to disallow the interest cost advances after a hearing, increased actual costs in other areas of the filing could possibly offset this disallowance. It assails summary disposition as being "piecemeal," and it moreover contends that these interest reimbursements are valid business costs which should be recoverable.

We find that Staff's motion for summary disposition of the interest cost advance portion of Transco's proposed rate increase should be granted. Initially, the Commission has unequivocally determined that its advance payment regulations² do not encompass interest reimbursements to producers.³ The purpose of the advance payment programs has been to assist the producers in capital formation in order to stimulate exploration, development and production for the interstate market and not to have jurisdictional rate payers pay interest through pipeline rates on capital which the producer is demonstrably able to acquire. Moreover, the agreement establishing these interest reimbursements in this case is analogous to those previously rejected by the Commission, and the agreement demonstrates that LLOXY has been able to attract capital associated with its exploration and development projects to some extent without the assistance of advance payments; therefore, the \$1,140,160 of interest cost advances were not made pursuant to the Commission's advance payment regulations. Furthermore, as a matter of form properly incurred advance payments are treated as a rate base com-

¹ *United Gas Pipe Line Company*, Docket No. RP75-109, rejection order issued July 7, 1975; *Michigan Wisconsin Pipe Line Company*, Docket No. RP75-96, rejection order issued May 19, 1975, rehearing denied July 11, 1975; *Northern Natural Gas Company*, Docket No. RP75-87, order issued May 16, 1975, rehearing denied July 11, 1975; *Natural Gas Pipeline Company of America*, Docket No. RP75-90, order issued May 16, 1975, rehearing denied July 11, 1975; and *Southern Natural Gas Company*, Docket No. RP75-84, rejection order issued May 15, 1975, rehearing denied July 11, 1975.

² Order Nos. 410, 410-A, 441, 465 and 499.

³ *Supra* note 1.

ponent while Transco has included its amortized interest cost advances as an expense item.

Concerning Transco's argument that this summary disposition would breach its right to a hearing, we can summarily dismiss a rate filing or a portion thereof after the initial suspension order but before hearing if, through its direct evidence the rate applicant has not made a *prima facie* case, as would occur if as a matter of law or policy the applicant could not possibly justify its position at a formal hearing.¹ The Commission need not proceed to full hearing on an issue such as interest cost advances, which has already been dispositively treated in a manner fatal to the applicant's position as a matter of law or regulatory policy. In fact the Commission has recently excised other rate items in this fashion.²

In the instant docket there is no question of fact to be determined by the Commission vis-a-vis interest cost advances: The Commission could in no way, based upon Transco's evidence and accepting that evidence as true, make a finding that the interest cost advances are just and reasonable.

Finally, while refunds would normally be ordered following summary disposition of a rate increase component, refunds need not be ordered in this proceeding for Transco's proposed rates remain suspended until October 1, 1975.

The Commission further finds:

Good cause has been shown to grant Staff's motion for summary disposition of that portion of Transco's jurisdictional rate filing covering the amortized portion of interest cost advances made to a producer: Such interest cost advances do not comply with our advance payment regulations.

The Commission orders:

(A) Staff's motion for summary disposition is granted, and accordingly the interest cost advance portion of Transco's March 14, 1975, rate filing is severed from this docket and dismissed.

(B) Before October 1, 1975, Transco shall file revised tariff sheets reflecting reduced rates consistent with our findings herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24561 Filed 9-15-75; 8:45 am]

¹ Cf., *Pennsylvania Gas and Water Company v. F.P.C.*, 463 F.2d, 1242, 1251-1252 (D.C. Cir. 1972); *Citizens for Allegan County, Inc. v. F.P.C.* 414 F.2d 1125, 1129 (D.C. Cir. 1969); and *Cities of Lexington, etc., Kentucky v. F.P.C.* 295 F.2d 109-121 (4th Cir. 1961).

² E.g., *Mississippi River Transmission Corporation*, Docket No. RP75-20, rehearing denied August 1, 1975; *New England Power Company*, Docket Nos. E-9136 and E-9140, issued August 5, 1975; *Central Vermont Public Service Corporation*, Docket No. E-9040, issued August 5, 1975; and *Georgia Power Company*, Docket No. E-9091, issued August 5, 1975.

[Docket No. RP74-89]

TRUNKLINE GAS CO.

Order Instituting Evidentiary Proceeding and Consolidating Proceedings

SEPTEMBER 8, 1975.

By order issued July 9, 1975, we directed that the Commission Staff report to the Commission whether or not the advance payment tracker filed by Trunkline Gas Company to be effective on April 1, 1975, is reasonable and in accordance with the settlement which was approved by that order.

On August 14, 1975, the Commission Staff reported that, in its view, the advance payments sought to be tracked are not reasonable and that they are contrary to the standards set forth within Commission Order No. 499¹ wherein we stated

we shall not consider amounts advanced to be "reasonable and appropriate" for inclusion in rate base where such amounts are in excess of costs for exploration, development and production incurred by the producer within a reasonable time from the date such amounts advanced are included in the pipeline's rate base. 50 FPC at 2115.

The Commission Staff recommended that we institute an evidentiary proceeding to determine the reasonableness of the subject advance payment tracker so that refunds may be ordered if required and recommended further that such proceeding be consolidated with that proceeding established by Commission order issued August 22, 1975, at *Trunkline Gas Company*, Docket No. RP74-89 (AP76-1).

Article IV(f) of the settlement approved by our order of July 9, 1975, provides that the advance payment tracker shall be subject to refund obligations as if the increase had been suspended, "if and to the extent that the Commission initiates a proceeding as to the reasonableness of those advance payments within sixty days following its order approving this Agreement to Rates." (Settlement at 8).

Upon review of Trunkline's advance payment tracker filing, and in view of the report and recommendation of the Commission Staff in this proceedings, we shall order that these proceedings be made the subject of an evidentiary proceeding to determine the reasonableness of the subject advance payment tracker and that these proceedings be consolidated with and subject to the procedural schedule established for those proceedings initiated by our order of August 22, 1975, at Docket No. RP74-89 (AP76-1).

The Commission finds:

(1) Good cause exists to establish an evidentiary proceeding to examine into the reasonableness of the subject advance payment tracker.

¹ Commission Order No. 499, *Accounting and Rate Treatment of Advances Included in Account No. 166, Advances For Gas Exploration, Development and Production*, 50 FPC at 211 (1973).

(2) Good cause exists to consolidate the proceedings ordered herein with those established by order issued August 22, 1975, at *Trunkline Gas Company*, Docket No. RP74-89 (AP76-1).

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing concerning the lawfulness and reasonableness of the increased rates proposed herein shall be held.

(B) The proceedings instituted herein and those established by order issued August 22, 1975, at *Trunkline Gas Company*, Docket No. RP74-89 (AP76-1) are hereby consolidated for hearing and decision without modification of the procedural schedule established at that docket.

(C) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24556 Filed 9-15-75; 8:45 am]

FEDERAL RESERVE SYSTEM

DOMINION BANKSHARES CORPORATION

Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares (less directors' qualifying shares) of Dominion National Bank of Fredericksburg, Fredericksburg, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 6, 1975.

Board of Governors of the Federal Reserve System, September 4, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-24606 Filed 9-15-75; 8:45 am]

FIRST FINANCIAL CORPORATION

Acquisition of Bank

First Financial Corporation, Tampa, Florida, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 90 percent or more of the voting shares of The First American Bank of Pensacola, Pensacola, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 7, 1975.

Board of Governors of the Federal Reserve System, September 5, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-24607 Filed 9-15-75; 8:45 am]

TEXARKANA NATIONAL BANCSHARES, INC.

Order Approving Formation of a Bank Holding Company

Texarkana National Bancshares, Inc., Texarkana, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of the formation of a bank holding company by the acquisition of 100 percent, less directors' qualifying shares, of the successors by merger to the Texarkana National Bank ("Bank") and Twin City Bank ("City Bank"), both of Texarkana, Texas. The banks into which Bank and City Bank are to be merged have no significance except as means to facilitate the acquisition of the voting shares of Bank and Twin City Bank. Accordingly, the proposed acquisition of the successor organizations is treated herein as the proposed acquisition of the shares of Bank and City Bank.

Notice of the application, affording opportunity for interested persons to submit comments and issues, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors, has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank and City Bank, Bank, with deposits of \$85.5 million, representing .2 percent of total commercial bank deposits in the State of Texas, and City Bank, with deposits of \$4.5 million, or about .01 percent of statewide commercial bank deposits, are respectively the 49th and 1060th largest banking organizations in the State.¹ Upon consummation of the proposed transaction, Applicant will control approximately .21 percent of the total commercial bank deposits in the State.

Bank and City Bank are located in the Texarkana banking market.² Bank is the second largest bank in the Texarkana banking market and holds approximately 29.7 percent of total commercial bank deposits in that market. City Bank is the smallest of the 11 banks in that banking market and holds about 1.6 percent of market deposits. Upon consummation of the proposed transaction, Applicant would be the second largest banking organization in the market with approximately 31.3 percent of market deposits. Because Bank and City Bank are now under common control, with Bank's directors and officers and interests closely related to Bank holding 86.5 percent of the shares of City Bank, and because the proposed transaction in practical effect represents a reorganization of ownership of Bank and City Bank from individuals to a corporation essentially owned by the same individuals, consummation of the proposed transaction would neither eliminate existing competition nor increase deposit concentration in the market or on a statewide basis. The improbability that control will be eliminated also effectively forecloses the likelihood of development of competition between Bank and City Bank. Also, due to the small absolute and relative size of City Bank in the market, as well as its relatively recent origin, this transaction should produce a minimal impact upon ease of entry into the market. Thus, consummation of the subject proposal would not have any significant adverse effects on existing or potential competition in any relevant area. Competitive considerations are therefore consistent with approval of the acquisition.

The financial and managerial resources and future prospects of Applicant are primarily dependent upon the financial resources of Bank and City Bank. The financial and managerial resources of Bank and City Bank are considered generally satisfactory, and the projected earnings of Bank and City Bank, in light of past earnings and anticipated growth, would appear to provide Applicant with the necessary financial strength and flexibility to maintain adequate capital positions for Bank and City Bank. The future prospects of Bank and City Bank, and therefore Applicant as well, appear favorable. Thus, the considerations relating to the banking factors are consistent with approval of the application. Although consummation of the proposal would effect no immediate changes in the services offered by Bank and City Bank, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the judgment of the Federal Reserve Bank of Dallas, acting

¹ The Texarkana banking market is approximated by the Texarkana SMSA, which is located some 184 miles northeast of Dallas and is comprised of Bowie County, Texas, and Little River and Miller Counties, Arkansas.

pursuant to delegated authority for the Board, that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority, effective September 3, 1975.

[SEAL] ROBERT H. BOYKIN,
Secretary.

[FR Doc.75-24608 Filed 9-15-75; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-63)]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON SPACE VEHICLES

Meeting

The NASA Research and Technology Advisory Council, Panel on Space Vehicles will meet on October 8-9, 1975, at the Kennedy Space Center, Florida. The meeting will be held in the 4th Floor Conference Room of the Headquarters Building. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 60 persons. All visitors must report to gate #1 of Cape Canaveral Air Force Station for badging.

The NASA Research and Technology Advisory Council, Panel on Space Vehicles serves in an advisory capacity only. The current Chairman is Mr. R. James Gunkel. There are fourteen members. The following list sets forth the approved agenda and schedule for the October 8-9, 1975, meeting of the Panel on Space Vehicles. For further information, please contact Mr. William C. Hayes, Jr., Executive Secretary, Area Code 202, 755-8504, or Mr. James Rowe, Area Code 305, 867-2215.

OCTOBER 8, 1975

Time	Topic
8:30 a.m.	Report of the chairman (purpose: To summarize action taken at the May 1975 meeting of the Research and Technology Advisory Council.)
9:30 a.m.	Report of the executive secretary (purpose: To brief the panel on recent or proposed changes, if any, in NASA policy or organization that could affect the space vehicles panel functions.)

² All deposit data are as of December 31, 1974.

Time	Topic
10:00 a.m.-----	Report on long duration exposure facility (LDEF) (purpose: To inform the panel on space vehicles of the results and recommendations of the ad hoc meeting held for the express purpose of reviewing and evaluating the proposed LDEF experiments.)
1:15 p.m.-----	Report on "Outlook for Space" technologies (purpose: To inform members of the panel on space vehicles of the progress to date in the evaluation of new space technology needs and trends for future space programs as surfaced by NASA's "Outlook for Space" study.)
3:30 p.m.-----	Report on Office of Aeronautics and Space Technology (OAST) workshop (purpose: To inform the panel on the rationale, implementation and overall results of the OAST space technology workshop held during August 1975.)
OCTOBER 9, 1975	
8:30 a.m.-----	Report on Spacelab program (purpose: To inform members of the panel on the development progress achieved to date on the NASA Spacelab project.)
10:30 a.m.-----	Report on shuttle technology experiments (purpose: To inform the panel on some of the potential technology areas where research data generated by using an instrumented space shuttle would be applicable to both aircraft and spacecraft technology.)
1:15 p.m.-----	Selection of topics to be reported to the Research and Technology Advisory Council (purpose: To recapitulate previous issues and formulate topics to be forwarded by the panel chairman to the Research and Technology Advisory Council.)
4:30 p.m.-----	Adjournment

DUWARD L. CROW,
Assistant Administrator for
DOD and Interagency Affairs
National Aeronautics and
Space Administration.

SEPTEMBER 10, 1975.

[FR Doc.75-24519 Filed 9-15-75; 8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given

that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held on October 3-5, 1975 at the Snowbird Conference Center, Salt Lake City, Utah. On October 3, the meeting will be held from 9:00 a.m.-5:00 p.m. in the Snowbird Conference Center room; on October 4, the meeting will be held from 9:00 a.m.-5:00 p.m. in the Peruvian Room, Plaza Level; on October 5, the meeting will be held from 10:00 a.m.-5:30 p.m. in the Steakpit West Room.

A portion of this meeting will be open to the public on October 3 from 9:00 a.m.-12:00 p.m. on a space available basis. Accommodations are limited. During the open session, there will be an Introduction & Orientation for new panel members and a General Discussion.

The remaining sessions of this meeting on October 3, from 1:30 p.m.-5:00 p.m.; October 4 and 5 all day, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the
Arts, National Foundation on
the Arts and the Humanities.

[FR Doc.75-24581 Filed 9-15-75; 8:45 am]

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on October 1, 1975 from 10:00 a.m.-3:00 p.m. in the 11th floor graphics conference room (1127) of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on October 1 from 10:00 a.m.-12:00 p.m. on a space available basis. Accommodations are limited. The purpose of this meeting is for the evaluation of the general graphics from the National Endowment for the Arts. Discussion will include work quality, standards, and improvements relating to graphic

design work created by the agency's graphic design personnel.

The remaining session of this meeting from 1:00 p.m.-3:00 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on Federal graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975 on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b) (5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506 or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

[FR Doc.75-24582 Filed 9-15-75; 8:45 am]

SPECIAL PROJECTS ADVISORY PANEL Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Special Projects Advisory Panel to the National Council on the Arts will be held on October 3-5, 1975 from 9:00 a.m.-5:00 p.m. both days at the Peruvian Room, Plaza Level, Snowbird Conference Center, Salt Lake City, Utah.

A portion of this meeting will be open to the public on October 3 from 2:00 p.m.-4:45 p.m. on a space available basis. Accommodations are limited. During the open session there will be discussion on the following policy issues: 1) Eligibility criteria for Arts Center/Festival category; 2) United funds; 3) Sub-granting; 4) Individual artists.

The remaining sessions of this meeting on October 3 from 9:00 a.m.-12:30 p.m.; October 4 and 5 from 9:00 a.m.-5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr.

Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, Na-
tional Foundation on the Arts
and the Humanities.

[FR Doc.75-24583 Filed 9-15-75;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEE ON SCIENCE, TECHNOLOGY AND HUMAN VALUES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Advisory Committee on Science, Technology and Human Values will be held on October 8, 1975, at the times and places indicated below. The agenda for the meeting will include:

Endowment (NEH) opening session. 9:30 a.m. Room 314. 806 15th Street NW., Washington, D.C.

Review of activities and plans, NEH Program of Science, Technology and Human Values.

Collaborative session with National Science Foundation (NSF) Advisory Committee on Ethical and Human Values Implications of Science and Technology. 11:00 a.m. Room 540. 1800 G Street NW., Washington, D.C.

Summary of previous jointly funded NSF-NEH projects—Research design, bibliography, higher education programs analysis, public understanding.

Review of pending projects for joint funding—Research design project, philosophical ethics institute for science and engineering faculty.

Discussion of areas for future stimulation of projects for joint support, including—bibliography, international communication, public understanding.

The meeting will be open to the public on a space-available basis. Additional information may be obtained from the Advisory Committee Management Officer, Mr. John Jordan, 806 15th Street NW., Washington, D.C. 20506 (telephone 202-382-2031). Individuals planning to attend are requested to notify Mr. Jordan no later than October 1, 1975, but such notification is not a requirement for attendance.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.75-24583 Filed 9-15-75;8:45 am]

NATIONAL REGULATORY COMMISSION

REGULATORY GUIDE

Issuance and Availability

Correction

In FR Doc. 75-23269 appearing on page 40593 in the issue of Wednesday, September 3, 1975, in the first line of the

second paragraph the reference to "Regulatory Guide 533" should read "Regulatory Guide 553".

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on October 4, 1975 at 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria.

The agenda for the subject meeting shall be as follows:

Saturday, October 4, 1975, 8:00 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports submitted by the Applicant and the NRC Staff, regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the Westinghouse Electric Corporation and the NRC Staff, and will discuss with these groups analytical models formulated to meet current ECCS criteria.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of UHI System design and analytical models.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice and opinions while closed Executive

Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing a readily reproducible copy thereof, postmarked no later than September 27, 1975, to Mr. Paul T. Burnett, Office of the Executive Secretary, ACRS, NRC, Washington, D.C. 20555 or by filing at the ACRS Office a readily reproducible copy two working days prior to the meeting. Written statements should be limited to safety related areas which are within the purview of the Committee. Background information concerning items to be considered at this meeting can be found in related documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Comments which fail to meet the time limitations noted above will be considered to the extent practicable.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 22, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1394, Attention: Mr. Paul T. Burnett) between 8:15 a.m. and 5:00 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Secretary of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee for the meeting, Mr. Paul T. Burnett of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1975 at the NRC Public Document Room, 1717 H St., N.W., Wash., D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Wash., D.C. 20555 after January 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: September 10, 1975.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 75-24524 Filed 9-15-75; 8:45 am]

[Docket Nos. 50-3; 50-247; 50-286]

**CONSOLIDATED EDISON COMPANY OF
NEW YORK (INDIAN POINT, UNIT NO.
1) (INDIAN POINT, UNIT NO. 2), (IN-
DIAN POINT, UNIT NO. 3)**

**Notice and Order for Pre-Hearing
Conference**

Notice is hereby given that, pursuant to the "Notice of a Public Hearing on Seismic Issues, and Order in Connection Therewith" dated August 5, 1975, published on August 8, 1975 (40 Fed. Reg. 33498), a prehearing conference will be held on Thursday, September 25, 1975, commencing at 10:00 a.m., local time, in the Nuclear Regulatory Commission Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Md. 20014.

The said notice and order admitted the New York State Atomic Energy Council (Council) and the Citizens Committee for Protection of the Environment (CCPE) as parties to this proceeding, as well as Consolidated Edison Company of New York, Inc., and the Nuclear Regulatory Commission staff. The notice and order also permitted other parties in the Indian Point 3 operating license proceeding to participate in this seismic proceeding upon notification to this Board by August 29, 1975. It further provided that other persons could seek to intervene in the seismic proceeding if they did so by August 29, 1975. We have received no

such notifications or petitions to intervene. The parties to the seismic proceeding accordingly will be limited to those admitted by the August 5, 1975 notice and order.

The prehearing conference will deal with the following matters:

1. Identification and framing of key issues.
2. Need for discovery, and time required if discovery is to be sought.
3. Schedules for further actions in the proceeding.
4. Such other matters as may aid in the orderly and expeditious conduct of the hearing.

The attorneys for the respective parties are hereby directed to confer in advance of the prehearing conference to develop a joint statement of the issues. If a statement cannot be developed jointly, then each party shall submit a separate statement of issues. The joint statement, or individual statements as the case may be, shall be filed and transmitted so as to reach this Board no later than September 22, 1975.

Members of the public are invited to attend this prehearing conference, as well as the evidentiary hearing to be held later at a date and place to be fixed by the Board. Limited appearance statements will not be received at the prehearing conference but will be accepted at the said evidentiary hearing.

It is so Ordered.

Dated: September 9, 1975.

For the Atomic Safety and Licensing
Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc. 75-24525 Filed 9-15-75; 8:45 am]

[Construction Permit Nos. 81 and 82 (Show
Cause)]

**CONSUMERS POWER CO. (MIDLAND
PLANT, UNITS 1 AND 2)**

Order

SEPTEMBER 9, 1975.

The Appeal Board will hear oral argument on the applicant's motion to reconsider Part II of the Board's July 30, 1975 decision in this case, ALAB-283, at 10:00 a.m. Friday, October 3, 1975 in the Commission's Public Hearing Room, 5th floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland.

Counsel will be allowed 45 minutes each for argument and should be fully familiar with *Power Reactor Co. v. Electricians*, 367 U.S. 396 (1961), *In re Power Reactor Development Company*, 1 AEC 65 (1958) and 1 AEC 128 (1959), and with Section 50.54(f) of the Commission's regulations, 10 C.F.R. § 50.54(f) (1975).

It is so Ordered.

For the Atomic Safety and Licensing
Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc. 75-24526 Filed 9-15-75; 8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

**Issuance of Amendment to Facility
Operating License**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 11 and 9 to Facility Operating Licenses Nos. DPR-44 and DPR-56 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Units 2 and 3, located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendments define new temperature limits for the suppression pool water to provide additional assurance of maintaining primary containment integrity.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the *FEDERAL REGISTER* on 40 FR 31046. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1975, (2) Amendments Nos. 11 and 9 to Licenses Nos. DPR-44 and DPR-56, with Changes Nos. 12 and 9, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania, 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 8th day of September, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch #3, Division of Re-
actor Licensing.

[FR Doc. 75-24527 Filed 9-15-75; 8:45 am]

TOLEDO EDISON CO., ET AL.

[Docket Nos. 50-346A, 50-500A, 50-501A,
50-440A, 50-441A]

Prehearing Conference No. 5

In the matter of, The Toledo Edison Company and The Cleveland Electric Il-

illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2 and 3) The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2).

Pursuant to the Board's Ruling of August 21, 1975 in which a schedule of events prior to the commencement of hearing in the above dockets is set forth, a prehearing conference is hereby scheduled for Thursday, September 18, 1975 at 10:00 a.m. at the Postal Rates Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. for the following purposes:

- (1) Consideration of motions or arguments to curtail or eliminate issues;
- (2) Oral argument upon request relating to Applicants' Motion for Summary Judgment against AMP-O;
- (3) Other schedule details relating to the commencement of hearings on or about October 30, 1975.

Any of the parties desiring to place other matters on the agenda for prehearing conference No. 5 should make a request to the Board with information copies to other parties no later than Tuesday, September 16, 1975.

It is so ordered.

Dated at Bethesda, Maryland this 9th day of September 1975.

ATOMIC SAFETY AND LICENSING BOARD,
DOUGLAS V. RIGLER,
Chairman.

[FR Doc.75-24523 Filed 9-15-75;8:45 am]

[Docket Nos. 50-434 and 50-435]

SURRY POWER STATION UNITS 3 AND 4 Negative Declaration Regarding Proposed Changes to Construction Permits Nos. CPPR-124 AND CPPR-125

The Nuclear Regulatory Commission (the Commission) has considered the issuance of amendments to Construction Permits Nos. CPPR-124 and CPPR-125. These changes would authorize the Virginia Electric and Power Company (VEPCO) (the permittee) to construct the Surry Power Station Units 3 and 4 (located in Surry County, Virginia) with changes in the limiting conditions for protection of the environment during construction by eliminating the requirement for use of steel sheet piling to form cofferdams and allowing sloping sides for the excavations.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes in paragraph 3E(3) of the Construction Permits Nos. CPPR-124 and CPPR-125, as described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Surry Units 3 and 4 published in May 1974. The environmental impact ap-

praisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

Dated at Rockville, Maryland, this 18th day of August 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects
Branch 2, Division of Reactor
Licensing.

[FR Doc.75-24530 Filed 9-15-75;8:45 am]

SPENT FUEL STORAGE

Intent To Prepare Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Re- actor Fuel

From the early days of the nuclear power industry in this country, electric utilities planning to construct and operate light water nuclear power reactors contemplated that the used or spent fuel discharged from the reactors would be chemically reprocessed to recover the remaining quantities of fissile and fertile materials (uranium and plutonium), and that the materials so recovered would be recycled back into fresh reactor fuel. It was contemplated by the nuclear industry that spent fuel would be discharged periodically from operating reactors, stored in onsite fuel storage pools for a period of time to permit decay of radioactive materials contained within the fuel and to cool, and periodically shipped offsite for reprocessing. Typically, space was provided in onsite storage pools for about one and one-third nuclear reactor cores. Assuming a four-year reactor fuel reload cycle, such onsite storage pools were planned to hold an average of one year's discharge with sufficient remaining capacity to hold a complete core should unloading of all of the fuel from the reactor be necessary or desirable because of operational difficulties. Under normal operating conditions, an average of five years' discharge could be accommodated before the pools were filled.

Persons planning to conduct commercial reprocessing of spent reactor fuels provided sufficient storage capacity for the spent fuels at their facilities to allow some operational flexibility. Typically, space has been provided or planned for several spent fuel core reloads. Three commercial reprocessing plants have been planned for operation in the United States. The only such plant that has actually operated, Nuclear Fuel Services (NFS) plant at West Valley, New York, was shut down in 1972 for extensive alterations and expansion. There is a pending proceeding before the Nuclear Regulatory Commission (Commission) on NFS's application for a permit to construct these alterations and expansion (docket no. 50-201). The second plant, General Electric Company's Midwest Fuel Recovery Plant at Morris, Illinois, has never operated and is in a decommissioned condition. The third

plant, Allied General Nuclear Services' (AGNS) proposed plant in Barnwell, South Carolina, is under construction and is the subject of pending proceedings before the Commission regarding the continuation, modification or suspension of the construction permit from an environmental protection standpoint, and the possible issuance of an operating license (docket no. 50-332), as well as a related matter (docket no. 70-1729).

On May 8, 1975, the Nuclear Regulatory Commission published a notice in the FEDERAL REGISTER setting forth its provisional views that, subject to consideration of comments, (1) a cost-benefit analysis of alternative safeguards programs should be prepared and set forth in draft and final environmental impact statements before a Commission decision is reached on wide-scale use of mixed oxide (recycle plutonium) fuels in light water nuclear power reactors, (2) there should be no additional licenses granted for use of mixed oxide fuel in light water nuclear power reactors except for experimental purposes, (3) with respect to light water nuclear power reactor fuel cycle activities which depend for their justification on wide-scale use of mixed oxide fuel in light water nuclear power reactors, there should be no additional licenses granted which would foreclose future safeguards options or result in unnecessary "grandfathering" and (4) the granting of licenses would not be precluded for fuel cycle activities for experimental and/or technical feasibility purposes.

In light of the status of the three planned commercial reprocessing plants in the United States, as outlined above, the earliest that spent fuel reprocessing could begin on a commercial basis, if authorized, would be late 1976. This assumes that the pending licensing proceedings are completed and licenses issued by this date. However, the spent fuel pools at a number of reactors may soon be filled, and still other reactors will have their pools filled before the end of 1978. Accordingly, even if limited reprocessing should begin in late 1976, there would still be a shortage in spent fuel storage capacity.

The existing pools at the GE and NFS reprocessing plants have some remaining marginal licensed storage capacity which may be able to accommodate the fuel discharges from some reactors; any increases planned at these plants may not be sufficient for industry in the future. Consequently, there is the possibility of a future shortage in licensed spent fuel capacity regardless of the outcome of the proceedings on the May 8th notice.

The Commission has not promulgated any regulation which specifies a given size for on-site reactor spent fuel pools; however, proposals by reactor licensees to significantly change the manner of spent fuel storage or spent fuel pool size would be subject to licensing review by the Commission. In the event that a particular on-site spent fuel pool should become filled, and no alternative form of spent fuel storage could be found,

the reactor would be eventually forced to shut down and "store" the last spent reactor fuel in the reactor pressure vessel. While no serious adverse consequences to the public health and safety, the common defense and security, or the environment would likely result, the reactor shutdown would, of course, remove the plant from service, and this in turn could adversely affect the electric utility's ability to meet electrical energy needs, or force the utility to operate other plants that are less economical to operate or which have greater environmental impact, and thereby adversely affect the public interest.

There appear to be a number of possible alternatives for increasing spent fuel storage capacity including, among other things, increasing the storage capacity at present reactor sites, and construction of independent spent fuel storage facilities. The shortage of spent fuel storage capacity will occur at individual reactors, and the Commission could adequately address the issues involved on a case-by-case basis within the context of individual licensing reviews. Indeed, the Commission has not, to date, found it necessary, in the discharge of its licensing and related regulatory functions, to develop any overall program of action to deal with the problem. The Commission does, however, have the discretion to deal with issues of this type on a generic basis through the exercise of its rulemaking authority and/or the issuance of a "generic" environmental impact statement. Rulemaking proceedings and/or the issuance of a generic environmental impact statement might, as appropriate, serve as the context for the promulgation of more definitive criteria regarding size and design of spent fuel pools and/or the licensing of independent spent fuel storage facilities, and for consideration of possible revision of the fuel cycle environmental impacts set forth in 10 CFR § 51.20(e) in light of additional spent fuel storage and attendant transportation. Also, the possible implications of increased spent fuel storage on the options available for intermediate and long-term storage of nuclear waste materials could profitably be examined within this context.

One group of interested organizations (Natural Resources Defense Council, Sierra Club, and Businessmen for the Public Interest) has requested the Commission to prepare a generic environmental impact statement on the handling and storage of spent reactor fuel and related matters (letter to L. V. Gossick from Anthony Z. Roisman, dated May 20, 1975, copy on file at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.).

While the Commission believes, as earlier indicated, that the matter of spent fuel storage capacity can adequately be addressed on a case-by-case basis within the context of individual licensing reviews, it also believes that, from the standpoint of longer range policy, this matter can profitably be examined in a broader context. It views the preparation of a generic environmental impact state-

ment as a suitable vehicle for such an examination. Notice is hereby given that a generic environmental impact statement on the handling and storage of spent light water power reactor fuels will be prepared by the Commission. The statement will focus on the time period between now and the mid 1980's and will address:

(1) The magnitude of the possible shortage of spent fuel storage capacity;

(2) The alternatives for dealing with the problem, including, but not necessarily limited to:

(a) Permitting the expansion of spent fuel storage capacity at power reactors;

(b) Permitting the expansion of spent fuel storage capacity at reprocessing plants;

(c) Licensing of independent spent fuel storage facilities;

(d) Storage of spent fuel from one or more reactors at the storage pools of other reactors;

(e) Ordering that generation of spent fuel (reactor operation) be stopped or restricted;

(3) A cost-benefit analysis of the alternatives listed in (2), along with any other reasonably feasible alternatives, including:

(a) Impacts on public health and safety and the common defense and security;

(b) Environmental, social, and economic costs and benefits;

(c) Commitments of resources;

(d) Implications regarding options available for the intermediate and long-term storage of nuclear waste materials;

(e) Relationship between local short-term uses of the environment and long-term productivity;

(4) The impacts of possible additional transportation of spent fuel that may be required should one or more of the alternatives be adopted;

(5) More definitive standards and criteria to govern the licensing of one or more of the alternatives for dealing with the problem; and

(6) Possible amendments to 10 CFR § 51.20(e).

If appropriate, rulemaking proceedings on items (5) and (6) listed above, or on other issues related to the handling and storage of spent reactor fuel, will be initiated on or about that time of issuance of the draft generic environmental impact statement.

The Commission has also given careful consideration to the question whether licensing actions intended to ameliorate a possible shortage of spent fuel storage capacity, including such actions as the issuance of operating license amendments to permit increases in the storage capacity of reactor spent fuel pools or reprocessing plant spent fuel storage pools, or the licensing of independent spent fuel storage facilities, should be deferred pending completion of the generic environmental impact statement. Such a deferral was requested in the letter on behalf of Natural Resources Defense Council, Sierra Club, and Businessmen for the Public Interest noted above. In considering this matter, the

Commission had two basic objectives in mind: on the one hand, the generic impact statement should not serve as a justification for a fait accompli; on the other hand, the public interest considerations associated with such a deferral should be carefully weighed. The Commission has concluded that there should be no such general deferral, and that these related licensing actions may continue during the period required for preparation of the generic statement, subject to certain conditions. In reaching this conclusion, the Commission has considered the following specific factors:

(1) It is likely that each individual licensing action of this type would have a utility that is independent of the utility of other licensing actions of this type;

(2) It is not likely that the taking of any particular licensing action of this type during the time frame under consideration would constitute a commitment of resources that would tend to significantly foreclose the alternatives available with respect to any other individual licensing action of this type;

(3) It is likely that any environmental impacts associated with any individual licensing action of this type would be such that they could adequately be addressed within the context of the individual license application without overlooking any cumulative environmental impacts;

(4) It is likely that any technical issues that may arise in the course of a review of an individual license application can be resolved within that context; and

(5) A deferral or severe restriction on licensing actions of this type would result in substantial harm to the public interest. As indicated, such a restriction or deferral could result in reactor shutdowns as existing spent fuel pools become filled. It now appears that the spent fuel pools of as many as ten reactors could be filled by mid-1978. These ten reactors represent a total of about 6 million kilowatts of electrical energy generating capacity. The removal of these reactors from service could reduce the utilities' service margins to a point where reliable service would be in jeopardy, or force the utilities to rely more heavily on less economical or more polluting forms of generation that would impose economic penalties on consumers and increase environmental impacts.

The Commission expects that any licensing action intended to ameliorate a possible shortage of spent fuel storage capacity during this interim period would be accompanied by an environmental impact statement (10 CFR § 51.5 (a)) or impact appraisal (10 CFR § 51.5 (c)) tailored to the facts of the case. Since the Commission's general conclusions with respect to the five factors, as set forth above, may not fit the factual circumstances of particular licensing actions, the five factors will be applied, weighed and balanced within the context of these statements or appraisals in reaching licensing determinations.

Dated at Washington, D.C. this 10th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[PR Doc.75-24531 Filed 9-15-75; 8:45 am]

[Docket Nos. 50-434 and 50-435]

VIRGINIA ELECTRIC AND POWER CO.
Issuance of Amendment to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permit Nos. CPPR-124 and PPPR-125 issued to the Virginia Electric and Power Company (the applicant) for the construction of the Surry Power Station, Units 3 and 4 (the facility), located on the applicant's site in Surry County, Virginia.

The Construction Permits are amended by deleting paragraph 3E(3) which states: "3E(3) Steel sheet piling will be driven to form cofferdams for the containment excavations. The excavation spoil placed onsite will be graded for storage use during construction."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration. The Commission has determined that this amendment is not a major Federal action significantly affecting the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated February 14, 1975, (2) Amendment No. 1 to Construction Permit Nos. CPPR-124 and CPPR-125, and (3) the Office of Nuclear Reactor Regulation's related evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 8th day of September, 1975.

For the Nuclear Regulatory Commission.

A. SCHWENGER,
Chief, Light Water Reactors
Branch 2-3, Division of Reactor Licensing.

[PR Doc.75-24529 Filed 9-15-75; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON INSPECTION AND ENFORCEMENT ACTIVITIES

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.) the ACRS Subcommittee on Inspection and Enforcement Activities will hold a meeting on October 1, 1975 at 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to discuss third-party inspection and the roles of inspection and examination organizations in relation to nuclear safety.

The agenda for the subject meeting will be as follows:

Wednesday, October 1, 1975, 8:00 a.m.
The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent knowledge of inspection and examination practices and organizations, regarding the matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

8:30 a.m. until the conclusion of business: The Subcommittee will meet in open session to hold discussions with invited participants and members of the NRC Staff on topics pertinent to examination and inspection of safety related systems of nuclear power plants. At the conclusion of the open session, the Subcommittee will meet in closed session with members of the NRC Staff to discuss internal NRC policy and Staff recommendations on the subjects discussed in the open sessions. Possible changes in Staff positions on the distribution of responsibilities for inspection and examination of nuclear systems as well as the necessary qualifications of personnel and organizations performing those tasks will also be considered.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed session to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice and opinions, while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing a readily reproducible copy thereof, postmarked no later than September 24, 1975 to Mr. Paul T.

Burnett, Office of the Executive Secretary, ACRS, NRC, Wash., D.C. 20555, or by filing at the ACRS Office a readily reproducible copy two working days prior to the meeting. Written statements should be limited to safety related areas which are within the purview of the Committee. Comments which fall to meet the time limitations noted above will be considered to the extent practicable.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 30, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1394, Attention: Mr. Paul T. Burnett) between 8:15 a.m. and 5:00 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 8, 1975 at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555 after January 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: September 12, 1975.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[PR Doc.75-24709 Filed 9-15-75; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-4062]

AMERICAN SOLAR ENERGY CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 9, 1975.

I

American Solar Energy Corporation (the "Issuer") 2960 Westwood Street,

#20, Las Vegas, Nevada 89102 was incorporated under the laws of Nevada on February 5, 1974. The Issuer's Articles of Incorporation authorized the issuance of 25,000 shares of common and 2,500 shares of preferred stock. The firm's offices are located at 2960 Westwood Street, Unit No. 20, Las Vegas, Nevada 89102.

On May 16, 1974, the Issuer filed a Regulation A Notification and Offering Circular covering 25,000 shares of \$1.00 par value common stock, offered at \$2.00 per share, and 2,500 shares of \$20.00 par value 8% preferred stock, offered at \$20.00 per share, for an aggregate offering price of \$100,000. The Notification was later amended to provide for a reduction of the number of common shares to be offered to 22,500, thereby lowering the aggregate offering price to \$91,000. The filing was made for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of Section 3(b) thereof, and Regulation A thereunder. No underwriter was designated in the original Notification and the sale of the stock was to be conducted by the Issuer's president, Alexander R. Tarsey.

II

The Commission, on the basis of information provided by its staff, has reason to believe that:

A. The Notification and Offering Circular of the Issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that on June 12, 1975, the Issuer filed a voluntary petition in bankruptcy with the United States District Court for the District of Nevada;

2. The failure to disclose its actual financial condition;

3. The failure to disclose that Alexander R. Tarsey is an affiliate of the Issuer in that he is a controlling person owning over 10% of each class of stock outstanding; and

4. The failure to disclose that the number of common and preferred shares offered under the Notification, when added to those amounts already outstanding, would exceed the amounts which the Issuer is authorized to issue by its Articles of Incorporation.

B. The Issuer failed to cooperate with the Commission in that the Issuer and its principle officer have resisted numerous attempts by the Commission and its staff to assist the Issuer in complying with the requirements of Regulation A in that, *inter alia*, the Issuer has failed or refused to reply to a January 31, 1975 comment letter and four telephone requests from the Commission's staff with respect to the amending of the Notification and Offering Circular or to its withdrawal.

C. The offering, if permitted to occur, would be made in violation of Section 17 of the Securities Act of 1933, as amended.

III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

IT IS ORDERED, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it is hereby, temporarily suspended.

IT IS FURTHER ORDERED, pursuant to Rule 7 of the Commission's Rules of Practice, that the Issuer file an answer to the allegations contained in the order within thirty (30) days of the entry thereof.

NOTICE IS HEREBY GIVEN that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty (30) days after the entry of this order; that within twenty (20) days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24628 Filed 9-15-75; 8:45 am]

[Release No. 34-11647; File No. SR-ISE-75-1]

SELF-REGULATORY ORGANIZATIONS

Proposed Rule Change by the Intermountain Stock Exchange

Pursuant to section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 87s(b) (1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 21, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Article VI, Rule 10 of the Exchange.
The session of the Exchange shall be open from [9:00 a.m.] 11 a.m. to 12:00 noon on business days. (Deletions are in brackets, additions are in *italics*.)

The basis and purpose of the foregoing proposed rule change is as follows:

This action was taken as a result of the low level of trading volume the Exchange has been experiencing recently. The rule change is to create a shorter, more efficient trading session, thereby bringing about better member representation on the floor and consequently better markets for the public.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted before September 19, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

SEPTEMBER 12, 1975.

[FR Doc.75-24768 Filed 9-15-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

CASPER DISTRICT ADVISORY COUNCIL Meeting

The Small Business Administration Casper District Advisory Council will hold a public meeting at 10:00 a.m. (M.D.S.T.) Friday, October 3, 1975, at the University of Wyoming Campus in Laramie to discuss such business as may be presented by member and to transact business presented by members and the staff of the Small Business Administration.

For further information write or call Jerry S. King, Federal Building, Room 4001, 100 East B Street, Casper, Wyoming 82601, telephone number (307) 265-3269.

Dated: September 5, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-24638 Filed 9-15-75; 8:45 am]

[License Application No. 04/04-5120]

COMMERCIAL INVESTMENT RESOURCES, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d)

of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Commercial Investment Resources, Inc. (applicant), with the Small Business Administration (SBA), pursuant to 13 C.F.R. 107.102 (1975).

The officers, directors and stockholder of the applicant are as follows:

Neal L. Andrews, Jr., 4329 Corinth Drive, Mountain Brook, Alabama 35213, President, Director.

Lester Nuby, Jr., 786 Twin Branch Road, Birmingham, Alabama 35226, Vice President, Secretary, Director.

William P. Poer, 804 Wingate Circle, Birmingham, Alabama 35209, Treasurer, Director. Pasquale Food Company, Inc., 19 West Oxmoor Road, Birmingham, Alabama 35209, 100% Stockholder.

The applicant, a Delaware corporation, with its principal place of business located at 19 West Oxmoor Road, Birmingham, Alabama 35209, will begin operations with \$500,000 of paid-in capital and paid-in surplus, derived from the sale of 500 shares of common stock. The applicant will conduct its operations principally in the State of Alabama, and in such other areas within the United States of America and its territories and possessions. The applicant's parent, Pasquale Food Company, Inc., was established in 1960 and has extensive experience in franchising Italian style fast-food restaurants.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Birmingham, Alabama.

Dated: September 8, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc. 75-24641 Filed 9-15-75; 8:45 am]

[Proposed License No. 01/01-0278]

DEVONSHIRE CAPITAL CORP.

Application for a License as a Small Business Investment Company

Notice is hereby given that an application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended, (Act) (15 U.S.C. 661 et seq.), has been filed by Devonshire Capital Corporation (the Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1975) (Regulations).

The Applicant will be incorporated under the laws of the Commonwealth of Massachusetts. Its authorized capitalization will be 12,500 shares of common stock (no par value), of which 2,500 shares will be issued and fully paid at a price of \$500 per share, so that the Applicant will commence operations with an initial private capital of \$1,250,000.

The 2,500 shares of common stock to be issued will be owned by Advent II, a Massachusetts limited partnership, Advent (Bermuda) Company II, a Bermuda limited partnership, and the Trustees of Boston University, a non-profit Corporation.

The officers, directors, and stockholders of the Applicant will be as follows:

Name	Title	Percentage of stock owned
C. Kevin Landry, 111 Devonshire St., Boston, Mass. 02109.	President and director.	0
William P. Egan, 111 Devonshire St., Boston, Mass. 02109.	Treasurer, clerk, and director.	0
Grant M. Wilson, 111 Devonshire St., Boston, Mass. 02109.	Director.	0
Advent II, 111 Devonshire St., Boston, Mass. 02109.		32.4
Advent (Bermuda) Co. II, c/o Richard Thacher, Bank of Bermuda, Hamilton, Bermuda.		7.6
Trustees of Boston University, 881 Commonwealth Ave., Boston, Mass. 02215.		60

Advent II is a Massachusetts limited partnership. It has 26 limited partners comprised of individuals, business corporations, non-profit corporations, and trusts. TA Associates, the sole general partner of Advent II, is a Massachusetts limited partnership located at 111 Devonshire Street, Boston, Massachusetts 02109. The general partners of TA Associates are individuals who are the general partners of Tucker, Anthony, and R. L. Day (a securities dealer, located at 120 Broadway, New York, New York 10005). Tucker, Anthony and R. L. Day is a limited partner and has approximately a 68 percent interest in TA Associates. The partners and employees of Tucker, Anthony and R. L. Day have a general partnership, named "87 State Street," located at 87 State Street, Boston, Massachusetts, and they are limited partners of Advent II.

TA Associates has a 1.63 percent limited partnership interest in Advent (Bermuda) Company II.

The Trustees of Boston University is a non-profit Corporation and, as such, has no beneficial security holders.

The stocks of the proposed licensee to be owned beneficially by the Trustees of Boston University will be held of record by B.U.N.P., a nominee partnership which acts as the holder of record of securities owned by the Trustees of Boston University. The partners of B.U.N.P. are trustees or employees of the Boston University, and neither the partnership nor such partners has any beneficial interest in securities held by the partnership.

The investment of the Trustees of Boston University in the Applicant will be less than five percent of total assets.

Mr. C. Kevin Landry, proposed president and director of the Applicant, and Mr. Grant M. Wilson, proposed director of the Applicant, are both partners in TA Associates and of Tucker, Anthony and R. L. Day. Mr. William P. Egan, proposed treasurer, clerk and director of the Applicant, is a vice president of TA Associates.

TA Associates will be the investment adviser to the Applicant pursuant to a written contract subject to SBA approval under Section 107.809 of the Regulations and will receive compensation for the services provided. TA Associates receives management fees from Advent II and Advent (Bermuda) Company II.

Massachusetts Capital Corporation (a small business investment company) rents office space from TA Associates at 111 Devonshire Street, Boston, Massachusetts 02109. David Harkins, an employee of TA Associates, is the financial adviser of Massachusetts Capital Corporation. It is proposed that the Applicant also rent office space from TA Associates at the same address, and that, subject to SBA approval, it employ as its investment adviser TA Associates, a firm affiliated with David Harkins through the employer-employee relationship.

The Applicant's principal place of business will be at 111 Devonshire Street, Boston, Massachusetts 02109 (the address of its investment adviser), and it will conduct its operations primarily in the New England States. It intends to emphasize equity type investments in small concerns, and will look to growth of its portfolio for a major portion of its return.

The Applicant intends to render management consulting services to small business concerns.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA rules and regulations.

Notice is further given that any person may, within 15 days after the date of this publication, submit written comments on the application to the Deputy Associate Administrator for Investment,

Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

The Applicant shall cause a similar notice to be published in a newspaper of general circulation in Boston, Massachusetts.

Dated: September 11, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc. 75-24679 Filed 9-15-75; 8:45 am]

LOUISVILLE DISTRICT ADVISORY COUNCIL
Meeting

The Small Business Administration Louisville District Advisory Council will hold a public meeting on October 23, 1975 from 1:00 p.m. (E.D.T.) until 5:00 p.m. (E.D.T.) and October 24, 1975 from 9:00 a.m. (E.D.T.) until 12:00 Noon (E.D.T.) at the Ramada Inn, 9700 Bluegrass Pkwy., I-64 and Hurstbourne Ln., Louisville, Kentucky 40299, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information write R. B. Blankenship, Rm. 188, Federal Office Building, 600 Federal Place, Louisville, Kentucky 40202 or call (502) 582-5978.

Dated: September 5, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc. 75-24639 Filed 9-15-75; 8:45 am]

SEATTLE DISTRICT ADVISORY COUNCIL
Meeting

The Small Business Administration Seattle District Advisory Council will hold a public meeting at 9:00 a.m. (P.D.T.) Friday, October 24, 1975, at the Dexter Horton Branch, Seattle First National Bank, Board Room, 710 2nd Avenue, Seattle, Washington 98104, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information write Robert F. Caldwell, 5th Floor, Dexter Horton Building, 710 Second Avenue, Seattle, Washington, 98104 or call (206) 442-7791.

Dated: September 5, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc. 75-24640 Filed 9-15-75; 8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-136]

AVON SOLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the ??? on behalf of the workers and former workers of Avon Sole Company, Avon, Massachusetts (TA-W-136).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rubber soles and heels for boots and shoes produced by Avon Sole Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the Federal Register.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 75-24609 Filed 9-15-75; 8:45 am]

[TA-W-87]

BENDIX CORP., DENVER, COLO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-87: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 17, 1975 in response to a worker petition received on July 16, 1975 which was filed by the Guidance Systems Division employees on behalf of workers formerly involved with the Skylab project at the Guidance Systems Division of The Bendix Corporation, Denver, Colorado.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 31053) on July 24, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Bendix Corporation, NASA, the European Space Agency (ESA), the U.S. Senate Aeronautics and Space Sciences Committee and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. A significant number or proportion of the workers at the Guidance Systems Division in Denver became totally or partially separated in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Guidance Systems Division declined substantially in 1974.

Increased Imports Contributed Importantly. Spacelab is part of a joint project between NASA and ESA with no connection to the Skylab project previously established by NASA. Therefore the development of Spacelab by ESA cannot be considered to have contributed importantly to the separations at the Guidance Systems Division of Bendix Corporation.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the Skylab project at the Guidance Systems Division was due to the completion of the Bendix Corporation's commitments under its Skylab contract.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with space systems worked on by the Guidance Systems Division of the Bendix Corporation in Denver under the Skylab program did not contribute importantly to the total or partial separation of workers of that plant. Signed at Washington, D.C. this 10th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign
Economic Policy.

[FR Doc. 75-24612 Filed 9-15-75; 8:45 am]

[TA-W-111]

**GIRARD MANUFACTURING CO., GIRARD,
PENNSYLVANIA**

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-111: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 12, 1975 in response to a worker petition received on July 11, 1975 which was filed on behalf of workers formerly engaged in research and development for toy trains at the Girard, Pennsylvania plant of Marx Toys, a division of the Quaker Oats Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36634) on August 21, 1975. No public hearing was requested and none was held. The information upon which the determination was made was obtained principally from officials of Marx Toys, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. A significant number or proportion of the workers at the Girard Manufacturing Company became totally or partially separated in 1975. Total employment in the first six months of 1975 decreased 7.5 percent from the same period in 1974. R and D employees separated represented less than 2 percent of the work force engaged in employment related to the production of toy trains and other toys at the Girard plant.

Sales or Production, or Both, Have Decreased Absolutely. Shipments from the Girard plant declined 10 percent in the first eight months of 1975 compared to the same period in 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Girard plant have increased in recent years. Retail establishments offering toy trains for sale reported that imports represented about 80 percent of the available stock. Such imports have taken an increasing share of the domestic market for toy trains.

Evidence developed in the Department's investigation indicates that while imports of toy trains have increased, the separation of the R and D personnel at the Girard plant was totally unrelated to any consideration relative to imports. The separation of the R and D workers resulted from a corporate reorganization and review of the plant's product mix. Company plans to transfer production of toy trains from the Girard plant to Hong Kong, contemplated at the time the petition was filed, have been rescinded.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with toy trains produced at the Girard plant did not contribute importantly to the total or partial separations of the R and D personnel.

Signed at Washington, D.C. this 10th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation,
Bureau of International
Labor Affairs.

[FR Doc. 75-24613 Filed 9-15-75; 8:45 am]

[TA-W-135]

HARRINGTON AND RICHARDSON, INC.**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio, and Machine Workers on behalf of the workers and former workers of Harrington and Richardson, Incorporated, Gardner, Massachusetts (TA-W-135). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with firearms produced by Harrington and Richardson, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the Federal Register.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-24610 Filed 9-15-75;8:45 am]

[TA-W-134]

SCOTT AND WILLIAMS, INC.**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Scott and Williams, Inc., Lakeport, New Hampshire (TA-W-134). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with circular knitting machines produced by Scott and Williams, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the Federal Register.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-24611 Filed 9-15-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 855]

ASSIGNMENT OF HEARINGS

SEPTEMBER 11, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 30844 Sub 532 Kroblin Refrigerated Express, Inc., MC 35268 Sub 373, Interstate Motor Freight System, MC 53965 Sub 107, Graves Truck Line, Inc., MC 110563 Sub 151, Coldway Food Express, Inc., MC 114284 Sub 65, Fox Synthe Transportation Co., Inc., MC 114273 Sub 231, Crst., Inc.,

MC 117815 Sub 239, Pulley Freight Lines, Inc., MC 118142 Sub 77, M. Breunger & Co., Inc., MC 118178 Sub 22, Bill Meeker, MC 119741 Sub 51, Green Field Transport Company, Inc., MC 123044 Sub 6, The Luper Transportation Company, MC 123872 Sub 40, W & L Motor Lines, Inc., MC 127042 Sub 153, Hagen, Inc., MC 134755 Sub 49, Charter Express, Inc., MC 134755 Sub 50, Charter Express, Inc., MC 134755 Sub 52, Charter Express, Inc., MC 136786 Sub 73, Robco Transportation, Inc., MC 136786 Sub 65, Robco Transportation, Inc., and MC 127304 Sub 12, Clear Water Truck Company, Inc., now assigned November 3, 1975, will be held at the Internal Revenue Service Building, Rooms 118 & 120, 1412 South Main Street, Wichita, Kansas.

MC 140669, Oeonta Bus Lines Incorporated, now assigned October 29, 1975 at Albany, New York, will be held in Room 434, U.S. Post Office & Courthouse.

MC 99569 Sub 4, Stott & Davis Motor Express, Inc., now assigned November 3, 1975 at Syracuse, New York, will be held in the O'Donnell Building, Room 111, 301 Erie Boulevard West.

MC-F 12333, Ehrlich-Newmark Trucking Co., Inc.—Purch. Port.—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F 12334, Tredways Express, Inc.—Purch. Port.—Empire Carriers Corporation, MC-F 12345, Hempstead Delivery Co., Inc.—Purch. Port.—Empire Carriers Corporation, and MC 34975 Sub 9, Tredways Express, Inc., now assigned October 6, 1975 at New York, New York, will be held in Room A-238, U.S. Court of Claims, 26 Federal Plaza.

MC 76036 Sub 6, Canadian Freightways Eastern Limited, now being assigned November 11, 1975, (4 Days) at Lansing, Michigan, in a hearing room to be later designated.

MC 61592 Sub 324, Jenkins Truck Line, Inc., now assigned September 16, 1975, is canceled and application dismissed.

MC 111545 Sub 212, Home Transportation Company, Inc., now assigned September 25, 1975 at Miami, Florida, is cancelled and application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24655 Filed 9-15-75;8:45 am]

[AB 8 (Sub-No. 2)]

DENVER AND RIO GRANDE WESTERN RAILROAD CO.

Abandonment Between Montrose and Ridgway, Montrose and Ouray Counties, Colo.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Montrose and Ouray Counties, Colo., on or before September 25, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 3d day of September 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 8 (Sub-No. 2)]

DENVER AND RIO GRANDE WESTERN RAILROAD CO.

ABANDONMENT BETWEEN MONTROSE AND RIDGWAY, MONTROSE AND OURAY COUNTIES, COLORADO

The Interstate Commerce Commission hereby gives notice that by order dated September 5, 1975, it has been determined that the proposed abandonment of the 24.92 mile line of the Denver and Rio Grande Western Railroad Company between Ridgway and Montrose, all in Ouray and Montrose Counties, Colo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the

human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no development plans are dependent on the continuation of this segment of railroad, the subsequent increase of approximately two or three heavy motor vehicles a day is not anticipated to cause significant problems for U.S. 550, no historic sites would be affected, and the pollution, fuel consumption, safety, and ecological impacts would be minor. Furthermore, abandonment would be consistent with the proposed Dallas Creek Project to the extent that rail relocation expenses would be avoided for the Bureau of Reclamation, U.S. Department of the Interior.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24660 Filed 9-15-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 11, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 2, 1975.

FSA No. 43044—Joint Water-Rail Container Rates—Sea-Land Service, Inc. Filed by Sea-Land Service, Inc. (No. 86), for itself and interested rail carriers. Rates on general commodities, between ports in the Caribbean, and rail carriers' terminals at Houston, Texas and/or New Orleans, Louisiana.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff No. 249, I.C.C. No. 97, F.M.C. No. 122. Rates are published to become effective on October 13, 1975.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-24657 Filed 9-15-75; 8:45 am]

GENERAL RULES OF PRACTICE

Introduction of New Evidence in Rebuttal Statements Filed Under Modified Procedure

A question has recently been raised as to whether an applicant should be permitted to introduce new evidence in its rebuttal statements relative to service deficiencies of a protestant occurring after the filing of applicant's initial verified statement under the modified procedure. We are of the opinion that, regardless of when they might have occurred, the submission of new facts in modified procedure rebuttal statements cannot be allowed.

Rule 51 of the Commission's general rules of practice (49 CFR 1100.51), requires that an applicant, in its initial presentation under the modified procedure, shall serve upon the other parties a statement of the evidence upon which it relies. Rule 51 further provides that after an applicant serves its statement in rebuttal to the statements in opposition of protestants, no further reply may be made by any party except by permission of the Commission. Thus, in ordinary circumstances, this has the effect of denying a protestant an opportunity to respond to any new evidence that is introduced in a rebuttal statement. The term rebuttal generally is considered to mean refuting or proving false something that has been asserted earlier. Thus the true sense of rebuttal would be lost if evidence of new service failures is allowed to be introduced after the initial statement has been filed by an applicant. Fairness would seem to require that either the evidence not be admitted or that protestants be given an opportunity to respond to it. The present rules effectively deny the latter in most instances. A further consideration is that orders setting application proceedings for handling under the modified procedure provide that protestants have 30 days within which to file their replies to an applicant's initial verified statement, and that applicants have another 20 days within which to file their rebuttal. Even without extensions of the due dates for such pleadings, an applicant could gather (or contrive) evidence of service deficiencies that occur after the filing of its initial statement for a period of nearly 50 days. Rule 51, however, would require a protestant to obtain permission to respond, even in the case where a protestant is in a position to prove that a shipper supporting the application has made unreasonable service demands, purposely or not, during the intervening period.

If service offered the public by a protesting motor carrier is that which was provided by it at the time of the filing of the new application, and a protestant is precluded from making a point of its efforts to improve service after the application is filed, it follows that justice would require that an applicant not be permitted to show how a protestant's service may have deteriorated after the filing date. To do otherwise would result in clearly uneven treatment being accorded applicants and protestants.

A final consideration is that the Commission is concerned with a large and growing caseload. Case processing time would be increased if applicants were allowed to introduce new evidence in rebuttal statements and the Commission then had to consider protestant's requests under Rule 51 for leave to respond, or motions to strike such new evidence as may be introduced.

Accordingly, it will be our policy in the future to reject new evidence submitted by an applicant in its rebuttal statements under the modified procedure relative to alleged service deficiencies of a protestant regardless of when such alleged service deficiencies may have occurred.

The above policy will be effective as of the date of service hereof, and notice will be given the public by publication of this document in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-24662 Filed 9-15-75; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 11, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 4868 (Sub-No. E6), filed April 16, 1974. Applicant: GREYER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenoweth,

1300 Mid-Continent Bldg., Tulsa, Okla. 74103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Machinery, equipment, materials, and supplies used in the discovery, production, and distribution of natural gas, petroleum products, including the stringing and picking up of pipe and materials (except those used on main and trunk pipelines), between points in Arkansas lying on and south of a line extending from the Arkansas-Oklahoma State line on U.S. Highway 70 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line and points in Louisiana and points in Mississippi on and south of U.S. Highway 80 extending from the Arkansas-Mississippi State line to the Alabama-Mississippi State line on the one hand and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 6801 (Sub-No. E3), (Correction), filed May 25, 1975, published in the FEDERAL REGISTER August 12, 1975. Applicant: G. H. HARNUM, INC., 867 Woburn St., Wilmington, Mass. 01887. Applicant's representative: Frank J. Welner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings (except in sections and except when travelling on their own or removable undercarriages), restricted to the transportation of commodities which require the use of special equipment; (3) from points in Rhode Island to points in Delaware, Maryland, Ohio, Virginia, West Virginia, the District of Columbia, those in New York on, west, and north of a line beginning at the New York-Pennsylvania State line at Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 50, thence along New York Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 32, thence along New York Highway 32 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line and those in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line at U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Acton, Mass. The purpose of this partial correction is to correct a highway description in (3) above. The remainder of this letter-notice remains as previously published.

No. MC 8973 (Sub-No. E1), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., P.O. Box 93, Ridgefield, N.J. 07657. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk); (1) from points in Essex County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, District of Columbia, Ohio, and Delaware, those in Connecticut north and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 12 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut-Rhode Island State line, those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 143, thence along Pennsylvania Highway 143 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Pennsylvania Highway 263, thence along Pennsylvania Highway 263 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line, and those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 46, thence along New York Highway 46 to junction unnumbered highway at Munnsville, thence along unnumbered highway to junction New York Highway 12B, thence along New York Highway 12B to junction New York Highway 8, thence along New York Highway 8 to junction unnumbered highway at Thurman, thence along unnumbered highway to junction New York Highway 418, thence along New York Highway 418 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line; and from Newark, East Orange, Irvington, Belleville, and Port Newark (Essex County), N.J., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of the warehouse and plantsite facilities

of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E11), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment); (1) from points in Union County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, District of Columbia, Ohio, Delaware, those in Connecticut north of Connecticut Highway 123, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, thence along New York Highway 308 to junction New York Highway 199, thence along New York Highway 199 to junction Taconic State Parkway, thence along Taconic State Parkway to junction New York Highway 55, thence along New York Highway 55 to junction New York Highway 22, thence along New York Highway 22 to the Putnam-Dutchess County line, thence along the Putnam-Dutchess County line to the New York-Connecticut State line, those in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along unnumbered highway to junction Pennsylvania Highway 371, thence along Pennsylvania Highway 371 to junction Pennsylvania Highway 247, thence along Pennsylvania Highway 247 to junction Pennsylvania Highway 171, thence along Pennsylvania Highway 171 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction unnumbered highway near Bear Creek, to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 143, thence along Pennsylvania Highway 143 to junction Pennsylvania Highway 863, thence along Pennsylvania Highway 863 to junction Pennsylvania Highway 737, thence along Pennsylvania Highway 737 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to the New Jersey-Pennsyl-

vania State line; and (2) from Scotch Plains, Berkeley Heights, Cranford, Clark, Linden, Rahway, Plainfield, Summit, Westfield, and New Providence, Mountainside, Garwood, and Fanwood Beronghs (Union County), N.J., to points in Connecticut; (3) from Clark, Cranford, Union, Hillside, Elizabeth, Linden, Rahway, Westfield, and Mountainside, Garwood, Kenilworth, Roselle, Boronglas (Union County), N.J., to points in Pennsylvania; and (4) from Hillside, Clark, Linden, Rahway, and Elizabeth (Union County), N.J., to points in New York. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E17), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except in bulk); (1) from points in Somerset County, N.J., to points in Connecticut, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Virginia, and Ohio; (2) from Green Brook and Somerset, and Watchung, North Plainfield, Bound Brook, and South Bound Brook Boroughs (Somerset County), N.J., to points in Delaware; (3) from points in Somerset County, N.J., to points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 349, thence along Pennsylvania Highway 349 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 866, thence along Pennsylvania Highway 866 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 414, thence along New York Highway 414 to the Schuylers-Chemung County line, thence along the Schuylers-Chemung State line to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 414, thence along New York Highway 414 to junction unnumbered highway near Romulus, thence along unnumbered highway to Cayuga Lake, thence beginning at Aurora and extend-

ing along New York Highway 90 to junction unnumbered highway near Levanna, thence along unnumbered highway to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 92, thence along New York Highway 92 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 51, thence along New York Highway 51 to junction unnumbered highway at Exeter, thence along unnumbered highway to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 82, thence along New York Highway 82 to junction unnumbered highway at Ancramdale, thence along unnumbered highway to junction New York Highway 199, thence along New York Highway 199 to the New York-Massachusetts State line, those in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 11 to junction Maryland Highway 65, thence along Maryland Highway 65 to the Maryland-West Virginia State line, those in Maryland on and south of a line beginning at the Potomac River and extending along Maryland Highway 225 to junction Maryland Highway 6, thence along Maryland Highway 6 to junction Maryland Highway 235, thence along Maryland Highway 235 to the Chesapeake Bay and those in Maryland on and south of a line beginning at the Chesapeake Bay and extending along Maryland Highway 363 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction Maryland Highway 366, thence along Maryland Highway 366 to the Atlantic Ocean; (3) from New Brunswick, N.J., to points in Pennsylvania.

(4) From those points in Somerset County, N.J., on, south, and east of a line beginning at the Somerset-Middlesex County line and extending along Cedar Grove Road to junction Amwell Road, thence along Amwell Road to junction South Middlebush Road, thence along South Middlebush Road to junction Suydam Road, thence along Suydam Road to the Millstone River, thence along the Millstone River to junction New Jersey Highway 533, thence along New Jersey Highway 533 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Orchard Road, thence along Orchard Road to junction Burnt Hill Road, thence along Burnt Hill Road to junction Skillman Road, thence along Skillman Road to junction Camp Meeting Avenue, thence along Camp Meeting Avenue to Hollow Road, thence along Hollow Road to junction Wertsville Road, thence along Wertsville Road to the Somerset-Mercer County line, thence along the Somerset-Mercer County line to points in New York; (5) from points in Somerset County, N.J., to those points in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 11 to junction Maryland Highway

65, thence along Maryland Highway 65 to the West Virginia-Maryland State line, those on and south of a line beginning at the Potomac River, and extending along Maryland Highway 225 to junction Maryland Highway 6, thence along Maryland Highway 6 to junction Maryland Highway 235, thence along Maryland Highway 235 to the Chesapeake Bay, and those on and south of a line beginning at Nanticoke River and extending along Maryland Highway 363 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction Maryland Highway 366, thence along Maryland Highway 366 to the Atlantic Ocean; (6) from Somerset and Bound Brook and South Bound Brook Boroughs, N.J., and those points in New Jersey on and east of a line beginning at the Somerset-Morris County line and extending along New Jersey Highway 527 to junction King George Road, thence along King George Road to the Middlesex-Somerset County line to points in Maryland; and (7) from points in Somerset County, N.J. (except Stroutsburg and Blownburg), to the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E33), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment and supplies* (except commodities in bulk); (1) from points in Bergen County, N.J., to points in Maryland, Virginia, Ohio, Delaware, and the District of Columbia, those in New Hampshire on, north, and east of a line beginning at the New Hampshire-Vermont State line and extending along unnumbered highway to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 3, thence along U.S. Highway 3 to the Atlantic Ocean, those in Vermont on, east, and north of a line beginning at the United States-Canada International Boundary line and extending along unnumbered highway to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Vermont Highway 16, thence along Vermont Highway 16 to junction Vermont Highway 5A, thence along Vermont Highway 5A to junction Vermont Highway 105, thence along Vermont Highway 105 to the Vermont-New Hampshire State line, those in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction unnumbered highway near Bodines, thence along unnumbered highway to junction Pennsylvania Highway 864, thence along Pennsylvania Highway 864 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction

Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 662, thence along Pennsylvania Highway 662 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 663, thence along Pennsylvania Highway 663 to junction Pennsylvania Highway 313, thence along Pennsylvania Highway 313 to junction unnumbered highway near Dublin, thence along unnumbered highway to the Pennsylvania-New Jersey State line, and those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 414, thence along New York Highway 414 to junction unnumbered highway near Clyde, thence along unnumbered highway to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario; (2) from Fairdown, East Patterson, Wallington, Wood-Ridge, Rutherford, North Arlington, Saddle Brook, Lyndhurst, and Garfield (Bergen County), N.J., to points in New Hampshire; (3) from Lyndhurst, Rutherford, and North Arlington (Bergen County), N.J., to points in Vermont; and (4) from North Arlington (Bergen County), N.J., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E41), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such building materials as are gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products and insulating materials* (except commodities in bulk), from points in Essex, Hudson, Union, Somerset, and Bergen Counties, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Carteret or Edgewater, N.J.

No. MC 8973 (Sub-No. E47), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment); (1) from points in Bronx County, N.Y., to points in Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, those points in Vermont on and north of a line beginning at Lake Champlain and extending along Interstate Highway 89 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line, those in New Hampshire on and north of a line beginning at the Vermont-New York State line and extending along New Hampshire Highway 112 to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction New Hampshire Highway 175, thence along New Hampshire Highway 175 to junction unnumbered highway near Campton to junction New Hampshire Highway 113, thence along New Hampshire Highway 113 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction New Hampshire Highway 16, thence along New Hampshire Highway 16 to junction New Hampshire Highway 110, thence along New Hampshire Highway 110 to the New Hampshire-Maine State line, and those in Maine on and north of Maine Highway 25. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E64), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment); (1) from points in Kings County, N.Y., to points in Maine, New Hampshire, Vermont, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia; (2) from points in Kings County, N.Y., to those points in Massachusetts, north and east of a line beginning at the Massachusetts-New

York State line and extending along Interstate Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 8, thence along Massachusetts Highway 8 to junction Massachusetts Highway 143, thence along Massachusetts Highway 143 to junction unnumbered highway near Williamsburg, thence along unnumbered highway to junction unnumbered highway at Bradstreet, thence along unnumbered highway to junction Massachusetts Highway 116, thence along Massachusetts Highway 116 to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 32, thence along Massachusetts Highway 32 to junction Massachusetts Highway 122, thence along Massachusetts Highway 122 to junction Massachusetts Highway 122A, thence along Massachusetts Highway 122A to junction Massachusetts Highway 146, thence along Massachusetts Highway 146 to junction Massachusetts Highway 122, thence along Massachusetts Highway 122 to the Massachusetts-Rhode Island State line; and

(3) From those points in Kings County, N.Y., on, south, and east of 65th Street and Ocean Parkway, to points in Massachusetts and Rhode Island; and

(4) from points in Kings County, N.Y., to that part of New York on, west, and north of a line beginning at the Pennsylvania-New York State line and extending along unnumbered highway to Youngsville, thence along unnumbered highway to Youngsville, thence along New York Highway 52 to junction unnumbered highway at White Sulphur Springs, thence along unnumbered highway to junction unnumbered highway near Livingstone Manor, thence along unnumbered highway to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 214, thence along New York Highway 214 to junction New York Highway 23A, thence along New York Highway 23A to junction New York Highway 296, thence along New York Highway 296 to junction New York Highway 23, thence along New York Highway 23 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line; and (5) from Fort Hamilton and Coney Island, N.Y., to points in New York. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 15897 (Sub-No. E23), filed June 2, 1974. Applicant: O. K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, Nat'l Foundation Life Center, 3535 N.W. 56th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Catron, Grant,

Otero, and Sierra Counties, N. Mex., on the one hand, and, on the other, points in Missouri on, north, and east of a line beginning at the Iowa-Missouri State line and extending along Missouri Highway 5 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and points in Lamar County, Tex.

No. MC 29886 (Sub-No. E62), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER April 16, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, the transportation of which because of size or weight require the use of special equipment; (7) between points in Wisconsin, on the one hand, and, on the other, points in Ohio (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96 to junction U.S. Highway 127 to the Michigan-Ohio State line); and *contractors' equipment*, between points in New Jersey, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine (New York). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the gateways above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E81), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER May 29, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (a) between those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 15, thence along Pennsylvania Highway 15 to junction Pennsylvania Highway 220, thence along Pennsylvania Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Connecticut (except those west of a line beginning at the Long Island Sound and extending along Connecticut Highway 69 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut Highway 63, thence along Con-

necticut Highway 63 to the Massachusetts-Connecticut State line). * * * The purpose of this filing is to eliminate the gateway of Massachusetts. The purpose of this partial correction is to correct the territorial description in (a) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E86), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER May 29, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors*, which are contractors' equipment, *self-propelled tractors*, each weighing 15,000 pounds or more, and *tractors*, which, because of size or weight, require special handling or special equipment, from those points in New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 21, thence along New York Highway 21 to the New York-Pennsylvania State line, to points in the United States (except Michigan, Wisconsin, Iowa, Missouri, Arkansas, Mississippi, Illinois, Indiana, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Vermont), and to those in Massachusetts on and east of Interstate Highway 91. The purpose of this filing is to eliminate the gateway of Batavia, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 29886 (Sub-No. E108), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled street sweepers*, which because of size or weight require the use of special equipment or special handling, and *self-propelled street sweepers*, each weighing 15,000 pounds or more; (1) from points in Iowa to the District of Columbia; (2) from those points in Iowa on and north of Interstate Highway 80 to points in Georgia and those in Tennessee in and east of Macon, Smith, DeKalb, Warren, Sequatchie, and Hamilton Counties. The purpose of this filing is to eliminate the gateways of those points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127

to the Michigan-Ohio State line, and South Bend, Ind. The purpose of this partial correction is to correct the commodity description and to correct the destination territories in (2) above. The remainder of this letter-notice remains as previously published.

No. MC 51146 (Sub-No. E3), (Correction), filed April 29, 1974, published in the FEDERAL REGISTER April 9, 1975. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (6) *Metal containers and metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Marion, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri (except points east of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Missouri-Arkansas State line), Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line), and the Upper Peninsula of Michigan (except those points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to junction Michigan Highway 35, thence along Michigan Highway 35 to the Michigan-Wisconsin State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origin named above (Chicago, Ill.).

(10) *Metal containers and metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Green Bay, Wis., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, and Texas (except points north of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 70 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line. Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Madisonville, Ky.); (11) *Metal containers and metal container ends*, and when transported at the same time and in the same vehicle with metal containers, and metal container ends, *accessories* used in connection with the distribution of metal containers and

metal container ends, from Rockford, Ill., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi. Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above, (Madisonville, Ky.); (32) *Metal containers, container ends*, and when transported at the same time and in the same vehicle with metal containers, *materials* and *supplies* used in the distribution of metal containers, from the facilities of R.J.R. Foods, Inc., at Plymouth, Ind., to points in Connecticut, Massachusetts, Rhode Island, New York (except those points west of a line beginning at Ogdensburg, N.Y., and extending along New York Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line), New Jersey (except points south of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction Interstate Highway 278, thence along Interstate Highway 278 to the New Jersey-New York State line), and North Carolina (except points west of Interstate Highway 95). Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities. (Chicago, Ill.).

(41) *Canned goods*, from Klondike, Ind., to points in Pennsylvania and West Virginia (except points west of a line beginning at the Ohio River at Sistersville, Va., and extending along West Virginia Highway 18 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line) (Hoopeston, Ill.); (42) *Canned vegetables*, from Klondike, Ind., to points in Michigan (except points south and west of a line beginning at Traverse City, Mich., and extending along Michigan Highway 37 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron at Tawas City, Mich.) (Hoopeston, Ill.); (43) *Canned goods*, from Milford, Ill., to points in North Dakota, Montana, Idaho, Washington, Oregon, South Dakota (except points south and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line), Wyoming (except points south of U.S. Highway 26), Utah (except points east of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points south and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line) (Fowler, Ind., and Green Bay, Wis.); and (49) *Canned*

vinegar, from Manitowoc, Wis., to points in Alabama, Kentucky, Missouri (except points north of U.S. Highway 36), Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line), and Ohio (except points north and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 308, thence along U.S. Highway 308 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 3, thence along Ohio Highway 3 to Lake Erie at Cleveland, Ohio) (Milford, Ill.). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to: in (6) above, to correct the commodity description; in (10) and (11) above, to correct the commodity description; in (32) above, to correct the destination territory; in (41) above, to correct the territorial description; in (42) above, to correct the commodity description; and in (45) above, to correct the exception; and in (49) above, to correct the destination territory. The remainder of this letter-notice remains as previously published.

No. MC 83539 (Sub-No. E199), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 30, 1975. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) Machinery, equipment, materials, and supplies used in, or in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (3) Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and the injection or removal of commodities into or from holes or wells; between San Jose, Calif., on the one hand, and, on the other, Ada, Altus, Alva, Ardmore, Bartlesville, Boise City, Chickasha, Clinton, Enid, Guymon, Hugo, Lawton, McAlester, Muskogee, Oklahoma City, Ponca City, Seminole, Stillwater, Tulsa, and Woodward, Okla. The purpose of this filing is to eliminate the gateway of points in Wyoming. The purpose of this

correction is to clarify the origin territories.

No. MC 83539 (Sub-No. E203), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 30, 1975. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) Machinery, equipment, materials, and supplies used in, or in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (3) Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and the injection or removal of commodities into or from holes or wells, between Bishop, Fairfield, Lodi, Manteca, Oakland, San Francisco, San Jose, San Mateo, Santa Cruz, Stockton, Tracy, and Vallejo, Calif., on the one hand, and, on the other, Raton, N. Mex. The purpose of this filing is to eliminate the gateway of points in Wyoming. The purpose of this correction is to correct the territorial areas above.

No. MC 83539 (Sub-No. E217), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 31, 1975. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) Machinery, equipment, materials, and supplies used in, or in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (3) Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe, incidental to, used in, or in connection with, the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production,

storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells; between San Luis Obispo, Calif., on the one hand, and, on the other, Andalusia, Anniston, Birmingham, Decatur, Dothan, Eufaula, Florence, Gadsden, Huntsville, Montgomery, Selma, Troy, and Tuscaloosa, Ala. The purpose of this filing is to eliminate the gateways of points in Wyoming and Oklahoma. The purpose of this correction is to correct a typographical error.

No. MC 94842 (Sub-No. E1), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: ROBERT CROCKET, INC., 102 Crescent Ave., Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Commodities, the transportation of which, because of size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies, when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require special equipment; (3) between points in Maine, New Hampshire, and Grand Isle, Franklin, Orleans, Essex, Chittenden, Lamoille, Caledonia, Washington, and Orange Counties, Vt., on the one hand, and, on the other, points in New York on, south, and west of a line beginning at the Massachusetts-New York State line extending along Interstate Highway 90 to junction New York Highway 31, thence along New York Highway 31 to Lake Ontario; (5) between points in Connecticut on and east of U.S. Highway 5, on the one hand, and, on the other, points in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line; (6) between points in Rhode Island, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Fitchburg, Mass. The purpose of this partial correction is to correct the highway descriptions above. The remainder of this letter-notice remains as previously published.

No. MC 102567 (Sub-No. E5), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such

petroleum products as are liquid chemicals (petrochemicals), in bulk, in tank vehicles, from those points in Arkansas and Louisiana within 150 miles of Henderson, Tex., which are south and east of a line beginning at Strong, Ark., and extending along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction Louisiana Highway 147, thence along Louisiana Highway 147 to junction U.S. Highway 167, thence along U.S. Highway 167 to Alexandria, La., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the plant site of the Dow Chemicals U.S.A. in Columbia County, Ark. The purpose of this correction is to correct the territorial description.

No. MC 102567 (Sub-No. E10) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals (petrochemicals)*, in bulk, in tank vehicles, from those points in Arkansas and Louisiana, within 150 miles of Henderson, Tex., which are south and east of a line beginning at Strong, Ark., and extending along U.S. Highway 82 to junction U.S. Highway 71 to Alexandria, La., to those points in Oklahoma north of a line beginning at the Texas-Oklahoma State line and extending along Interstate Highway 35 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction Oklahoma Highway 12, thence along Oklahoma Highway 12 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals U.S.A. in Columbia County, Ark. The purpose of this correction is to correct the territorial description.

No. MC 102567 (Sub-No. E30), filed June 3, 1974. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products (except liquefied petroleum gas)*, as defined in Appendix XIII and the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicle, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., and which are east of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to Alexandria, La., to those points in Texas south of a line beginning at the Gulf of

Mexico and extending along Texas Highway 44 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the Shreveport, Bossier City, and Cotton Valley, La., and points within five miles of Cotton Valley. The purpose of this correction is to correct the territorial description.

No. MC 102567 (Sub-No. E31) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo A. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products (except liquefied petroleum gas)*, as defined in Appendix XIII and the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are east of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Alternate Highway 2, thence along Louisiana Alternate Highway 2 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to Callon, Ark., to those points in Texas south of and more than 150 miles from Henderson, Tex., which are east of U.S. Highway 77. The purpose of this filing is to eliminate the gateways of Shreveport, Bossier City, and Cotton Valley, La., and points within 5 miles of Cotton Valley. The purpose of this correction is to correct the highway descriptions.

No. MC 107064 (Sub-No. E53), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles; (a) from points in Eddy County, N. Mex., and those parts of Chaves and Lea Counties, N. Mex., on and south of a line beginning at the Lincoln-Chaves County line, thence along U.S. Highway 380 to the Texas-New Mexico State line, to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line; and (b) from points in San Juan, McKinley, Sandoval, Valencia, and Bernalillo Counties, N. Mex., to points in that part of Texas on, south, and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Denton, thence along Interstate Highway 35W to Fort Worth, thence along U.S. Highway 80 to Monahans, thence along Texas Highway

18 to Fort Stockton, thence along U.S. Highway 385 to junction Texas Ranch Road 2627, thence along Texas Ranch Road 2627 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E82), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizers (except petroleum products and potash)*, from points in Gaines, Dawson, Borden, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Glasscock, Upton, Crane, Ward, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, Dallam, Sherman, Hansford, Hartley, Moore, Hutchinson, Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, and Garza Counties, Tex., to points in Georgia. The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107064 (Sub-No. E86), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in tank vehicles (except petroleum products, potash and liquid sulphur), from points in El Paso, Hudspeth, Culbertson, Reeves, Pecos, Terrell, Jeff Davis, Presidio, Brewster, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Reagan, Parmer, Castro, Bailey, Lamb, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Andrews, Martin, and Howard Counties, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E89), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients (except petroleum products, potash, and liquid sulphur)*, in bulk, in tank vehicles, from points in Lamb, Hale, Floyd, Motley, Lubbock, Crosby, Dickens, Lynn, Garza, Kent, Dawson, Borden, Scurry, Martin, Howard Mitchell, Nolan, Midland, Glasscock, Sterling, Coke, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Val Verde, Kinney, and Maverick Counties, Tex., to points in Colorado. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E90), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), in bulk, in tank vehicles, from points in Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Maverick, Kinney, Val Verde, Terrell, Pecos, Reeves, Culbertson, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Wyoming. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Company of Tex., at Hale County, Tex.

No. MC 107064 (Sub-No. E91), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), from points in Parmer, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Maverick, Kinney, Val Verde, Terrell, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Co., of Texas, at Hale County, Tex.

No. MC 107064 (Sub-No. E108), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, El Paso, Hudspeth, Gilbertson, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Pecos, Crockett, Terrell, Presidio, Brewster, and Val Verde Counties, Tex., to points in Illinois. The purpose of this

filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E109), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Dallam, Sherman, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E110), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer solutions*, in bulk, in tank vehicles, from points in Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Val Verde, Terrell, Pecos, Reeves, Jeff Davis, Culbertson, Hudspeth, El Paso, Presidio, and Brewster Counties, Tex., to points in Indiana. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E111), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Tom Greene, Irion, Reagan, Upton, Crane, Ward, Crockett, Schleicher, Sutton, El Paso, Hudspeth, Culbertson, Reeves, Jeff Davis, Pecos, Presidio, Brewster, Terrell, Val Verde, Kinney, and Maverick Counties, Tex., to points in Iowa. The purpose of this filing is to

eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E112), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Schleicher, Sutton, Crockett, Val Verde, Terrell, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, Brewster, Kinney, and Maverick Counties, Tex., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E114), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Dallam, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Terrell, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E132), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Yoakum, Perry, Lynn, Gaines, Dawson, Andrews, Martin, El Paso, Hudspeth, Culbertson, Jeff Davis, Reeves, Loving, Wheeler, Ector, Midland, Ward, Crane, and Presidio Counties, Tex., to points in Arkansas. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Co., of Texas, in Hale County, Tex.

No. MC 107064 (Sub-No. E134), filed May 21, 1974. Applicant: STEERE TANK

LINE, INC., P.O. Box 2298, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Barza, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Ward, Crane, Upton, El Paso, Hudspeth, Culbertson, Reeves, Pecos, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., of Texor, at Hale County, Tex.

No. MC 107064 (Sub-No. E135), filed May 21, 1974. Applicant: **STEERE TANK LINE, INC.**, P.O. Box 2298, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 70 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Co., in Hale County, Tex.

No. MC 107515 (Sub-No. E281) (Correction), filed May 29, 1974, published in the *Federal Register* November 19, 1974. Applicant: **REFRIGERATED TRANSPORT CO., INC.**, P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meat and meat products*, from Gatesville, N.C., to points in Alabama, Georgia, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Goldsboro, N.C. The purpose of this correction is to correct the origin point.

No. MC 108341 (Sub-No. E3), filed May 13, 1974. Applicant: **MOSS TRUCKING CO., INC.**, P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Countes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Electric controllers and instruments*, requiring special equipment or special handling by reason of size or weight, and *parts and attachments* thereof, when moving in connection therewith; (1) from those points in North Carolina east of North Carolina Highway 87 and on and north of U.S. Highway 70 to points in Colbert, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, and Morgan Coun-

ties, Ala.; (2) between points in North Carolina in and east of Madison, Buncombe, and Henderson Counties, to points in Arizona; (3) from those points in North Carolina on and east of U.S. Highway 52 to points in Arkansas; (4) from those points in North Carolina on and east of U.S. Highway 25 and west of North Carolina Highway 226 to those points in Colorado on and west of a line beginning at the Colorado-Nebraska State line and extending along Interstate Highway 80 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado Highway 159, thence along Colorado Highway 159 to the Colorado-New Mexico State line; (5) from those points in North Carolina on and east of North Carolina Highway 226 to points in Colorado; (6) from those points in North Carolina on and east of U.S. Highway 321 and west of U.S. Highway 52, to those points in Illinois on and north of U.S. Highway 136; (7) from those points in North Carolina on and east of U.S. Highway 52 to points in Illinois; (8) from those points in North Carolina on and east of U.S. Highway 52 to points in Indiana; (9) from those points in North Carolina east of U.S. Highway 321 and west of U.S. Highway 52 to those points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line.

(10) From those points in North Carolina on and east of U.S. Highway 321 to points in Iowa; (11) from those points in North Carolina on and east of U.S. Highway 321, to points in Kansas; (12) from those points in North Carolina on and east of North Carolina Highway 87 to points in Kentucky; (13) from those points in North Carolina east of U.S. Highway 52 and west of North Carolina Highway 87, those points in Kentucky west and north of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line; (14) from those points in North Carolina on and east of U.S. Highway 52 and on and north of U.S. Highway 70, to points in Louisiana; (15) from points in North Carolina (except those east of North Carolina Highway 58) to points in Maine; (16) from those points in North Carolina on and east of North Carolina Highway 226 to points in Michigan; (17) from those points in North Carolina on and east of U.S. Highway 441 and west of North Carolina Highway 226, to those points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line; (18)

from those points in North Carolina on and east of North Carolina Highway 226 to points in Minnesota; (19) from those points in North Carolina on and east of U.S. Highway 501 and on and north of U.S. Highway 70, to points in Mississippi; (20) from those points in North Carolina on and east of U.S. Highway 21 and west of U.S. Highway 52, to those points in that part of Missouri on, north, and west of U.S. Highway 54; (21) from those points in North Carolina on and east of U.S. Highway 52, to points in Missouri; (22) from those points in that part of North Carolina east of U.S. Highway 441 and west of North Carolina Highway 226, to those points in Nebraska on and west of U.S. Highway 183.

(23) From those points in North Carolina east of North Carolina Highway 226, to points in Nebraska; (24) from points in North Carolina (except those east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 401 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to the Atlantic Ocean), to points in New Hampshire; (25) from those points in North Carolina on and east of U.S. Highway 25 and west of North Carolina Highway 226, to points in that part of New Mexico on and west of Rio Arriba, Sandoval, Valencia, Socorro, Sierra, and Dona Ana Counties; (26) from those points in North Carolina on and east of North Carolina Highway 226 to points in New Mexico; (27) from points in North Carolina to points in North Dakota; (28) from those points in North Carolina east of U.S. Highway 441 and west of North Carolina Highway 226 to those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 14 to junction Ohio Highway 45, thence along Ohio Highway 45 to the Ohio-Pennsylvania State line; (29) from those points in North Carolina east of North Carolina Highway 226 north of Interstate Highway 40, and west of U.S. Highway 21, to those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction U.S. Highway 234, thence along U.S. Highway 234 to the Ohio-Pennsylvania State line; (30) from those points in North Carolina east of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 226 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-Virginia State line, and west of Hertford, Bertie, Martin, and Beaufort Counties, to points in Ohio (except points in Hamilton, Clermont, and Brown Counties).

(31) From those points in North Carolina on and east of U.S. Highway 52 and west of Hertford, Bertie, Martin, and Bedford Counties, to points in Ohio; (32) from those points in North Carolina in

and east of Hertford, Bertie, Martin, and Beaufort Counties, to points in Ohio (except those east of a line beginning at Lake Erie and extending along Ohio Highway 21 to junction Ohio Highway 800, thence along Ohio Highway 800 to the Ohio-West Virginia State line); (33) from those points in North Carolina on and east of U.S. Highway 321 (except those in Lincoln, Gaston, Cabarrus, Mecklenburg, Stanley, Union, and Anson Counties, to points in Oklahoma); (34) from points in Lincoln, Gaston, Cabarrus, Mecklenburg, Stanley, Union, and Anson Counties, N.C., to those points in Oklahoma on and west of U.S. Highway 75; (35) from those points in North Carolina east of North Carolina Highway 87 and west of North Carolina Highway 58 to those points in Pennsylvania on and west of U.S. Highway 220; (36) from those points in North Carolina on and west of North Carolina Highway 87, to those points in Pennsylvania west of the Susquehanna River; (37) from those points in North Carolina in and east of Madison, Buncombe, and Henderson Counties to points in South Dakota; (38) from those points in that part of North Carolina in and east of Northampton, Bertie, Martin, and Beaufort Counties, to points in Tennessee; (39) from those points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 87 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction North Carolina Highway 50, thence along North Carolina Highway 50 to the Atlantic Ocean to those points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 127 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Georgia State line.

(40) from those points in North Carolina on and east of North Carolina Highway 87 to those points in Tennessee in and west of Pickett, Fentress, Cumberland, Van Buren, Warren, Coffee, and Franklin Counties; (41) from those points in North Carolina on and east of U.S. Highway 321 and west of U.S. Highway 52, to those points in Texas on and west of Interstate Highway 35; (42) from those points in that part of North Carolina on and east of U.S. Highway 52 to points in Texas; (43) from points in North Carolina (except those east of North Carolina Highway 58) to points in Vermont; (44) from those points in North Carolina in and west of Northampton, Bertie, Martin, and Beaufort Counties, and on and east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 86 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 220, thence

along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line to points in West Virginia; (45) from those points in North Carolina east of Northampton, Bertie, Martin, and Beaufort Counties to West Virginia west of Tyler, Doddridge, Lewis, Upshur, Randolph, and Pendleton Counties; (46) from those points in North Carolina on and east of U.S. Highway 21, and west of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 86 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line to those points in West Virginia in and east of Jackson, Roane, Clay, Nicholas, and Greenbrier Counties; (47) from those points in North Carolina on and west of U.S. Highway 21 to those points in West Virginia in and east of Tyler, Dodge, Lewis, Webster, and Pocahontas Counties; (48) from those points in North Carolina on and east of North Carolina Highway 226 to points in Wisconsin.

(49) From points in North Carolina to points in Wyoming; (50) from those points in Virginia in and east of Craig, Montgomery, Floyd, and Patrick Counties, to points in Alabama; (51) from those points in that part of Virginia on and east of U.S. Highway 21 to points in Arkansas; (52) from those points in Virginia on and east of U.S. Highway 23 to points in Arizona; (53) from those points in Virginia in and east of Dickenson, Russell, and Washington Counties, to points in Colorado; (54) from points in Virginia (except those west of U.S. Highway 21 and those in and north of Shenandoah, Warren, Fauquier, and Prince William Counties), to points in Illinois; (55) from those points in Virginia east of U.S. Highway 21, and in and west of Giles, Montgomery, Floyd, and Patrick Counties, to those points in Indiana on and north of U.S. Highway 40; (56) from those points in Virginia north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and south of Shenandoah, Warren, Fauquier, and Prince William Counties, to those points in Indiana on and south of U.S. Highway 30; (57) from points in Virginia (except those in and west of Giles, Montgomery, Floyd, and Patrick Counties, and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay), to points in Indiana; (58) from points in Virginia (except those west of Virginia Highway 16 and north of Shenandoah, Warren, Fauquier, and Prince William Counties) to points in Iowa; (59) from those points in Virginia in and east of Buchanan, Russell, and Washington Counties, and west of U.S. Highway 21 to those points

in Kansas on and west of U.S. Highway 183.

(60) From those points in Virginia on and east of U.S. Highway 21 to points in Kansas; (61) from points in Virginia (except those in and west of Giles, Montgomery, Floyd, and Patrick Counties, and in and north of Shenandoah, Warren, Fauquier, and Prince William Counties) to points in Kentucky; (62) from those points in Virginia on and east of U.S. Highway 21, to points in Louisiana; (63) from those points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, to points in Maine; (64) from points in Tazewell, Russell, Washington, Smythe, Grayson, and Bland Counties, Va., to those points in Michigan on and north of Michigan Highway 55; (65) from those points in Virginia north of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and south of Shenandoah, Warren, Fauquier, and Prince William Counties, to points in the Upper Peninsula of Michigan; (66) from those points in Virginia east of Bland, Smyth, and Grayson Counties, and on and south of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to points in Michigan; (67) from those points in Virginia in and east of Buchanan, Russell, and Washington Counties, to points in Minnesota; (68) from those points in Virginia on and east of Virginia Highway 16 to points in Mississippi; (69) from those points in Virginia in and east of Giles, Pulaski, and Carroll Counties, to points in Missouri; (70) from those points in Virginia in and east of Dickenson, Russell, and Washington Counties, to points in Nebraska.

(71) From those points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, to points in Vermont; (72) from those points in Virginia in and east of Dickson, Russell, and Washington Counties, to points in New Mexico; (73) from points in Virginia to points in North Dakota; (74) from points in Henry, Franklin, Roanoke, Bedford, Campbell, Pittsylv-

vania, Halifax, Charlotte, Prince Edwards, Nottoway, Lunenburg, and Mecklenburg Counties, Va., to points in Ohio; (75) from those points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to those points in Ohio on, south, and west of a line beginning at Lake Erie, and extending along Ohio Highway 19 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 60, thence along Ohio Highway 60 to the Ohio-West Virginia State line; (76) from those points in Virginia in and east of Buchanan, Russell, and Washington Counties, and west of U.S. Highway 21 to points in Cimarron, Tex., and Beaver Counties, Okla.

(77) From those points in Virginia on and east of U.S. Highway 21, to points in Oklahoma; (78) from those points in Virginia bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 23 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning, to those points in Pennsylvania west of the Susquehanna River; (79) from those points in Virginia in and east of Dickson, Russell, and Washington Counties, to points in South Dakota; (80) from those points in that part of Virginia in and east of Craig, Roanoke, Franklin, and Henry Counties, to points in Tennessee; (81) from those points in Virginia in and east of Buchanan, Russell, and Washington Counties, and west of U.S. Highway 21, to those points in Texas on and west of U.S. Highway 83; (82) from those points in Virginia on and east of U.S. Highway 21, to points in Texas; (83) from those points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, to points in Vermont; (84) from points in Franklin, Halifax, Henry, Mecklenburg, Pittsylvania, and Roanoke Counties, Va., to points in West Virginia; (85) from points in Campbell and Bedford Counties, Va., to those points in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S.

Highway 219, thence along U.S. Highway 219 to the West Virginia-Virginia State line.

(86) From those points in Virginia east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 260 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to those points in West Virginia on and west of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 35 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line; (87) from points in Buchanan, Russell, Washington, Tazewell, Smith, and Grayson Counties, Va., and those in Virginia in and north of Shenandoah, Warren, Fauquier, and Prince Williams Counties, to those points in Wisconsin on and north of Wisconsin Highway 29; (88) from those points in Virginia east of Tazewell, Smith, and Grayson Counties, and south of Shenandoah, Warren, Fauquier, and Prince Williams Counties, to points in Wisconsin; (89) from those points in Virginia on and east of U.S. Highway 23 to points in Wyoming; (90) from points in South Carolina (except those in Pickens, Oconee, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Allendale, Hampton, Jasper, and Beaufort Counties), to points in Arizona; (91) from points in Marion, Dillon, Darlington, Chesterfield, and Marlboro Counties, S.C., to points in Benton, Washington, Crawford, Sebastian, Scott, Polk, Sevier, Carroll, Boone, Madison, and Franklin Counties, Ark.; (92) from points in Horry County, S.C., to points in Mississippi County, Ark., and those points in Arkansas on, west, and north of a line beginning at the Arkansas-Louisiana State line and extending along Arkansas Highway 29 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction Arkansas Highway 56, thence along Arkansas Highway 56 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to the Arkansas-Missouri State line.

(93) From those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 26 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Colorado; (94) from those points in South Carolina east of Oconee, Pickens, Anderson, and Abbeville Counties, and west of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 26 to junction South Carolina High-

way 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Colorado (except those in, south, and east of Cheyenne, Lincoln, Crowley, Otero, and Las Animas Counties); (95) from points in Marlboro, Darlington, Dillon, Florence, Marion, and Horry Counties, S.C., to points in Illinois; (96) from those points in South Carolina on and east of U.S. Highway 21, to those points in Illinois on and north of U.S. Highway 136; (97) from points in Marlboro, Darlington, Marion, Florence, Georgetown, and Horry County, S.C., to points in Indiana; (98) from those points in South Carolina on and east of U.S. Highway 321, to those points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line; (99) from those points in South Carolina on and east of U.S. Highway 301 to points in Iowa; (100) from those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 221, thence along U.S. Highway 221 to the South Carolina-Georgia State line, and west of U.S. Highway 321, to those points in Iowa north and west of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line.

(101) From points in Chesterfield, Marlboro, Darlington, Dillon, Lee, Marion, Sumter, Florence, Horry, Williams, and Georgetown Counties, S.C., to points in Kansas; (102) from those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 21 to junction Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean, to those points in Kansas on and north of U.S. Highway 56; (103) from points in Chesterfield, Darlington, Marlboro, Dillon, and Marion Counties, S.C., to those points in Kentucky on and north of Interstate Highway 64; (104) from points in Horry County, S.C., to those points in Kentucky on, west, and north of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31E to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line; (105) from points in South Carolina to points in Maine; (106) from those points in South Carolina on and east of U.S. Highway 321 to points in Michigan; (107) from those points in South Carolina west of U.S. Highway 321 and east of U.S. Highway 221, to those points in Michigan north of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction Michigan Highway 37, thence along

Michigan Highway 37 to junction Michigan Highway 50, thence along Michigan Highway 50 to junction U.S. Highway 223, thence along U.S. Highway 223 to the Michigan-Ohio State line; (108) from points in South Carolina (except those on Oconee and Pickens Counties), to points in Minnesota; (109) from points in Chesterfield, Marlboro, Darlington, Dillon, Florence, Marion, Horry, and Georgetown Counties, S.C., to points in Missouri; (110) from those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Nebraska.

(111) from those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 378, thence along U.S. Highway 378 to the South Carolina-Georgia State line, to those points in Nebraska on, west, and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line; (112) from points in South Carolina to points in New Hampshire; (113) from points in Chesterfield, Marlboro, Darlington, Dillon, Marion, Florence, Williamsburg, and Georgetown Counties, S.C., to points in New Mexico; (114) from those points in South Carolina on, north, and east of Interstate Highway 26, to those points in New Mexico on, north, and west of U.S. Highway 54; (115) from points in South Carolina to North Dakota; (116) from those points in that part of South Carolina east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction Interstate Highway 95, thence along Interstate Highway 95 to the South Carolina-Georgia State line, to points in Ohio; (117) from those points in South Carolina on and east of U.S. Highway 321, and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction Interstate Highway 95, thence

along Interstate Highway 95 to the South Carolina-Georgia State line, to those points in Ohio on and north of U.S. Highway 35.

(118) From points in that part of South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 221 to the South Carolina-Georgia State line and west of U.S. Highway 321, to points in that part of Ohio north and east of a line beginning at Lake Erie and extending along U.S. Highway 250 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line; (119) from points in Chesterfield, Marlboro, Darlington, Dillon, Florence, Marion, Horry, and Georgetown Counties S.C., to points in Oklahoma; (120) from points in South Carolina to points in that part of Pennsylvania east of the Susquehanna River; (121) from points in South Carolina to points in South Dakota; (122) from points in Marlboro, Darlington, Dillon, Marion, and Horry Counties, S.C. to points in that part of Texas on and west of Interstate Highways 35 and 35E; (123) from points in South Carolina to points in Vermont; (124) from points in that part of South Carolina on and east of U.S. Highway 321 to points in West Virginia (except those in Mingo, Raleigh, Summer, Monroe, Wyoming, and McDowell Counties, W. Va.); (125) from points in that part of South Carolina west of U.S. Highway 321 to points in that part of West Virginia on an east of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 14 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line; (126) from points in that part of South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Wisconsin;

(127) From points in South Carolina west of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Wisconsin; (127) from points in South Carolina west of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176,

thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in that part of Wisconsin on and west of a line beginning at Lake Superior and along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to the Wisconsin-Minnesota State line; (128) from points in South Carolina to points in Wyoming; (129) from points in Chatham County, Ga., to points in Colorado; (130) from points in Georgia on and east of U.S. Highway 1 to points in that part of Colorado, on and north of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Colorado-Wyoming State line; (131) from points in Chatham County, Ga., to points in Illinois on and north of Interstate Highway 74; (132) from points in Chatham County Ga., to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 136 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Indiana-Ohio State line.

(133) From points in McIntosh, Glynn, and Camden Counties, Ga., to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Indiana-Ohio State line; (134) from points in that part of Georgia on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line to points in that part of Indiana on and north of U.S. Highway 30; (135) from points in Chatham County, Ga., to points in Iowa; (136) from points in Richmond and Glynn Counties, Ga., to points in Iowa on and west of U.S. Highway 71; (137) from points in Georgia on and east of U.S. Highway 1 to points in Michigan; (138) from points in Georgia to points in Maine; (139) from points in that part of Georgia on and east of U.S. Highway 1, to points in Minnesota; (140) from points in Chatham County, Ga., to points in Nebraska; (141) from points in that part of Georgia on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S.

Highway 25 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line, to points in that part of Nebraska on and north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 34 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line; (142) from points in Georgia to points in New Hampshire; (143) from points in that part of Georgia on, south, and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 19 to junction Georgia Highway 36, thence along Georgia Highway 36 to junction Georgia Highway 81, thence along Georgia Highway 81 to junction Georgia Highway 20, thence along Georgia Highway 20 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line, to points in North Dakota.

(144) From points in Hall, Banks, Franklin, Dougherty, Baker, Miller, Mitchell, Grady, Decatur, and Seminole Counties, Ga., to points in North Dakota, (except those east of North Dakota Highway 32 and south of U.S. Highway 2); (145) from points in Chatham, McIntosh, Glynn, and Camden Counties, Ga., to points in Ohio (except those south of U.S. Highway 35 and west of U.S. Highway 68); (146) from points in that part of Georgia on and east of a line beginning at the Georgia-Florida State line and extending along Georgia Highway 31 to junction Georgia Highway 125, thence along Georgia Highway 125 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction Georgia Highway 78, thence along Georgia Highway 78 to junction U.S. Highway 221, thence along U.S. Highway 221 to the Georgia-South Carolina State line, to points in that part of Ohio on, north, and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line; (147) from points in Georgia to points in that part of Pennsylvania west of the Susquehanna River; (148) from points in that part of Georgia on and east of U.S. Highway 1, to points in South Dakota; (149) from points in Georgia to points in Vermont; (150) from points in Georgia to points in that part of West Virginia in and east of Tyler, Doddridge, Lewis, Upshur, Webster, and Greenbrier Counties; (151) from points in that part of Georgia on and south of a line beginning at the Georgia-Florida State line and extending along Georgia Highway 91 to junction Georgia Highway 45, thence along Georgia Highway 45 to junction Georgia Highway 118, thence along Georgia Highway 118 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. High-

way 221, thence along U.S. Highway 221 to the Georgia-South Carolina State line, to points in that part of West Virginia on and north of U.S. Highway 60.

(152) From points in that part of Georgia on and east of U.S. Highway 1, to points in Wisconsin; (153) from points in Georgia on and east of U.S. Highway 1, to points in Wyoming; (154) from points in that part of Florida on and east of a line beginning at the Gulf of Mexico and extending along Interstate Highway 75 to junction Florida Highway 200, thence along Florida Highway 200 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Florida Highway 20, thence along Florida Highway 20 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Florida-Georgia State line to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 30 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line; (155) from points in Florida to points in Maine; (156) from points in that part of Florida east of the Suwannee River to points in Michigan; (157) from points in that part of Florida in and east of Columbia, Gilchrist, and Levy Counties, Fla., to points in Minnesota; (158) from points in Florida to points in New Hampshire; (159) from points in that part of Florida in and east of Jefferson County, to points in North Dakota; (160) from points in that part of Florida in and east of Columbia, Gilchrist, and Levy Counties, and to points in that part of Ohio on and north of U.S. Highway 35; (161) from points in Florida to points in Pennsylvania; (162) from points in that part of Florida in and east of Columbia, Gilchrist, and Levy Counties, to points in South Dakota; (163) from points in Florida to points in Vermont.

(164) From points in that part of Florida west of Jefferson County, to points in that part of West Virginia on and east of Interstate Highway 77; (165) from points in that part of Florida in and east of Jefferson County, to points in West Virginia; (166) from points in that part of Florida east of a line beginning at the Gulf of Mexico and extending along Florida Highway 40 to junction Florida Highway 121, thence along Florida Highway 121 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Florida-Georgia State line to points in Wisconsin; and (167) from points in that part of Florida in and east of Columbia, Gilchrist, and Levy Counties, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Roanoke County, Va.

No. MC 108676 (Sub-No. E2), filed July 16, 1975. Applicant: A. J. METLER HAULING AND RIGGING, 117 Chica-mauga Ave. NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky.

42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

(A) *Steel culvert pipe*, from Jeffersonville, Ind., to points in North Carolina and South Carolina, points in that part of Tennessee, south and east of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 11W to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Tennessee-Georgia State line, points in that part of Virginia south and east of a line beginning at the Maryland-Virginia State line, thence along U.S. Highway 11 to the Virginia-Tennessee State line, points in that part of Georgia south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 411 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Georgia Highway 225, thence along Georgia Highway 225 to junction Georgia Highway 53, thence along Georgia Highway 53 to the Georgia-Alabama State line, and points in that part of Alabama south and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 278 to junction Alabama Highway 74, thence along Alabama Highway 74 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Alabama-Mississippi State line.

(B) *Steel sheet and guard rails*, from Girard, Ohio, to points in Georgia and Alabama, and points in that part of Tennessee east and south of a line beginning at the Tennessee-Arkansas State line, thence along Interstate Highway 40 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Tennessee Highway 100, thence along Tennessee Highway 100 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 11E, thence along U.S. Highway 11E to junction Tennessee Highway 70, thence along Tennessee Highway 70 to the Tennessee-North Carolina State line, points in that part of Kentucky on and south of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Tennessee State line, points in that part of North Carolina on and west of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 25 to the North Carolina-South Carolina State line; points in that part of South Carolina south and west of a line beginning

at the North Carolina-South Carolina State line, thence along U.S. Highway 221 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 109637 (Sub-No. E27), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII, in bulk, in tank vehicles, from the Petroleum Products Terminal of the LaGloria Oil & Gas Company near Seymour, Ind., to points in West Virginia (except Kanawha County, W.Va., and except petroleum chemicals to Fairmount, Follansbee, and Morgantown, W.Va.). The purpose of this filing is to eliminate the gateway of Warren County, Ohio.

No. MC 109637 (Sub-No. E28), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII (except those of which are also named in Appendix XV), in bulk, in tank vehicles, from Madison, Evansville, Indianapolis, and Troy, Ind., the Terminal Site of the Texas Eastern Transmission Corp., at or near Princeton, Bigsby County, Ind., and The Petroleum Products Terminal of the LaGloria Oil & Gas Co., near Seymour, Ind., to points in Virginia. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-No. E29), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII, in bulk, in tank vehicles (except anhydrous ammonia), from Pascagoula, Miss., to points in Indiana south of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of Louisville, Ky., Madison, Ind., and The Pipeline Terminal site of the Texas Eastern Transmission Corp., at or near New Lebanon, Warren County, Ohio.

No. MC 109637 (Sub-No. E33), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum chemicals*, in bulk, in tank vehicles, from Covington, Ky., and East Liverpool,

Ohio, to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Madison, Ind., and Calvert City, Ky.

No. MC 109637 (Sub-No. E35), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum chemicals*, in bulk, in tank vehicles (except benzol, toluol, and xylol), from Indianapolis, Ind., to points in Arkansas, Florida, Louisiana, and Texas. The purpose of this filing is to eliminate the gateways of Jefferson County, Ky., Troy, Ind., and Calvert City, Ky.

No. MC 109637 (Sub-No. E36), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum chemicals*, in bulk, in tank vehicles, from Madison, Ind., to points in Alabama, Arkansas, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 109637 (Sub-No. E79), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules, and resin powder*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Georgia, Mississippi, South Carolina, and points in North Carolina east of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 109637 (Sub-No. E83), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry mixed fertilizer and superphosphate*, in bulk, in tank vehicles, from New Albany, Ind., to points in Alabama, Georgia, Mississippi, South Carolina, and points in North Carolina east of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 115841 (Sub-No. E5), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh edible meats and edible dairy products*, in vehicles equipped with mechanical refrigeration;

(a) from points in the Lower Peninsula of Michigan on and east of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to (and including) Lake Huron, to points in California on and south of Interstate Highway 10 and points in Louisiana; (b) from points in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 165 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Louisiana-Texas State line, and to points in San Diego County, Calif. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E13), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED, INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *fresh or frozen edible meats, and cooked or cured edible meats*, in vehicles equipped with mechanical refrigeration, (A) from Brundige, Ala., to points in Maine, New Hampshire, and Vermont. (Nashville, Tenn.)* (B) from points in Alabama on and north of U.S. Highway 80 (except Cullman) to points in Maine, New Hampshire, and Vermont. (Birmingham, Ala. and Nashville, Tenn.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-No. E36), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Edible meats, cheese, and cheese products*, (except liquid commodities, in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite facilities of Dak Foods, Inc., at East Brunswick, N.J., (A) to points in Alabama, Arkansas, Louisiana, Mississippi, and points in Tennessee on and west of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line (Pittsburgh, Pa.)*, (B) to points in California (Pittsburgh, Pa., and Birmingham, Ala.)*; (2) *Candy* (except liquid commodities, in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite facilities of Henry Heide, Inc., at New Brunswick, N.J., (A) to points in Alabama, Arkansas, Louisiana, Mississippi, and to points

in Tennessee on and west of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State Line (Pittsburgh, Pa.)*, (B) to points in California (Pittsburgh, Pa., and Birmingham, Ala.)*; and (3) frozen foods, (except bananas and liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite facilities of the Quaker Oats Co., at New Brunswick, N.J., (A) to Alabama, Arkansas, Louisiana, Mississippi, and points in Tennessee on and west of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line (Pittsburgh, Pa.)*, and (B) to points in California (Pittsburgh, Pa., and Birmingham, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-E53), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: E. Stephen Heisley, Ames, Hill, and Ames, P.C., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *meats, meat products, and meat byproducts*, as defined by the Commission, in vehicles equipped with mechanical refrigeration, from Bristol, Va., to points in Connecticut, Illinois, Indiana, Kentucky, Michigan, Ohio, and Rhode Island. The purpose of this filing is to eliminate the gateway of Tennessee.

No. MC 115841 (Sub-No. E89) (correction), filed December 30, 1974, published in the FEDERAL REGISTER July 28, 1975. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such materials and supplies* (except in bulk) used in the operations of a foundry, which are materials and supplies used in the agriculture, water treatment, food processing, and institutional supply industries, and which are also iron and steel articles, sand hoppers, conveyors, dust collectors, and meter boxes; (2) from points in that part of Texas on and west of U.S. Highway 75 to that portion in Alabama located on the Warrior-Tombigbee-Alabama River System on and north of U.S. Highway 80; (3) from points in Louisiana to points in that portion of Alabama located on the Warrior-Tombigbee-Alabama River System in Calhoun, Etowah, and St. Clair Counties, Ala. The purpose of this filing is to eliminate the gateways of Holt and Anniston, Ala. The purpose of this partial correction is to clarify (2) and (3) above. The remainder of this letter remains as previously published.

No. MC 115841 (Sub-E171), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *fresh bananas* in vehicles equipped with mechanical refrigeration, from Gulfport, Mississippi, (A) to points in North Carolina and points in South Carolina (except points in Chesterfield and Marlboro Counties) (Birmingham, or Brundige, Ala.)* (B) to Atlanta, Georgia (Birmingham or Brundige, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-E318), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *fresh bananas*, in vehicles equipped with mechanical refrigeration, from Mobile, Ala., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., and Atlanta, Georgia.

No. MC 115841 (Sub-E319), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *fresh bananas*, in vehicles equipped with mechanical refrigeration, from Mobile, Alabama to points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateway of Birmingham, Alabama, Atlanta, Georgia and Chattanooga, Tennessee.

No. MC 115841 (Sub-E375), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *fresh bananas*, in vehicles equipped with mechanical refrigeration, from Gulfport, Miss., to points in Ohio, New Jersey, Pennsylvania, New York, Rhode Island, Massachusetts, Connecticut, and points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75, to junction U.S. Highway 129, to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Birmingham, or Brundige, Ala., Atlanta, Ga., and Chattanooga, Tennessee.

No. MC 115841 (Sub-No. E382), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION,

INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from West Richfield, Ohio, to (A) points in Alabama, Georgia, Louisiana, and Mississippi (Lexington, Ky.)*, and (B) points in Texas on and south of Interstate Highway 20 (Montgomery, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117344 (Sub-E1), (Correction), filed May 17, 1974. Published in the FEDERAL REGISTER August 5, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the Report in Description Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from Cincinnati, Ohio to those points in Indiana which are 150 miles or more from Cincinnati, Ohio; (2) from Cincinnati, Ohio to those points in Kentucky which are 100 miles or more from Cincinnati, Ohio; (3) from Norwood, Ohio to those points in Kentucky which are 100 miles or more from Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Warren County, Ohio. The purpose of this correction is to clarify the territorial description.

No. MC 117344 (Sub-E78), (Correction), filed May 21, 1974. Published in the FEDERAL REGISTER June 23, 1975. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from Boone, Campbell, and Kenton Counties, Kentucky, those in Indiana within 50 miles of Cincinnati, Ohio, which are on and south of U.S. Highway 50, and those in Kentucky within 100 miles of Cincinnati, Ohio, which are on and north of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 71 to junction U.S. Highway 60, thence along U.S. Highway 60 to a point within 100 miles of Cincinnati, Ohio, to those points in Ohio within 150 miles of Cincinnati, Ohio; (2) from those points in Indiana within 50 miles of Cincinnati, Ohio, north of U.S. Highway 50 and on and south of U.S. Highway 52, to those points in Ohio within 150 miles of Cincinnati, Ohio, on and east of Interstate Highway 75; and (3) from those points in Kentucky within 100 miles of Cincinnati, Ohio, south of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 71 to

junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Tennessee State line, and on and west of U.S. Highway 25, to those points in Ohio within 150 miles of Cincinnati, Ohio, on north, and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 50 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 22, thence along U.S. Highway 22 to a point 150 miles from Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio. The purpose of this correction is to clarify the territorial description.

No. MC 117344 (Sub-E125), filed June 18, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *vegetable oils* (except tallow), in bulk, in tank vehicles, from points in Dearborn, Ohio, and Switzerland Counties, Ind., to points in Iowa, and *refined vegetable oils*, in bulk, in tank vehicles, from points in Dearborn, Ohio, and Switzerland Counties, Ind., to points in Missouri. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 118831 (Sub-E39), filed May 30, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from those points in North Carolina on and east of U.S. Highway 25 (except Charlotte), to those points in Florida on and south of a line beginning at the Gulf of Mexico and extending along Florida Highway 72 to junction Florida Highway 70, to junction Florida Highway 710, to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of those points in South Carolina within the Charlotte, North Carolina Commercial Zone.

No. MC 119176 (Sub-No. E1), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the

stringing and picking up thereof, except in connection with main pipelines, between points in Nevada, on the one hand, and, on the other, points in Louisiana (Houston, Tex.), Tennessee, Missouri, Mississippi, Oklahoma (Amarillo, Tex.), Georgia, Arkansas, Florida, Alabama (points in Texas), Kentucky, Illinois, Indiana, Ohio (points in Texas and Tulsa, Okla.), and those points in Kansas on and east of U.S. Highway 81 (points in Texas and Oklahoma), and the Lower Peninsula of Michigan (points in Texas and Tulsa, Okla.). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E2), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Colorado, and those in Kansas on and west of U.S. Highway 81 (points in Illinois and Bartlesville, Okla.), and points in Oklahoma (points in Illinois and Tulsa, Okla.). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E3), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Kansas, Missouri, Oklahoma, Nebraska (points in Arkansas), and Colorado (points in Arkansas and Oklahoma). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E4), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's represent-

ative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Georgia, on the one hand, and, on the other, points in Kansas, Missouri, Oklahoma, Nebraska (points in Arkansas), Colorado (points in Arkansas and Oklahoma). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E5), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Florida, on the one hand, and, on the other, points in Colorado (points in Arkansas and Oklahoma), Oklahoma, Missouri, Kansas (points in Arkansas), Nebraska (points in Arkansas and Bartlesville, Okla.). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E6), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the

stringing and picking up thereof, except in connection with main pipelines, between points in Kentucky, on the one hand, and, on the other, points in Oklahoma (Tulsa, Okla.)*, and those in Kansas on and west of U.S. Highway 81 (Bartlesville, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E7), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Alabama on and south of Interstate Highway 20, on the one hand, and, on the other, points in New Mexico (Houston, Tex.)*, Oklahoma (West Memphis and El Dorado, Ark.)*, Colorado (El Dorado, Ark., and Bartlesville, Okla.), and those in Nebraska (El Dorado, Ark., and Bartlesville, Okla.)*, and Kansas (El Dorado, and West Memphis, Ark.)*, on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E8), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Mississippi, on the one hand, and, on the other, points in Oklahoma, Missouri, Kansas (points in Arkansas)*, Nebraska (Bartlesville, Okla.)*, Colorado (points in Arkansas and Oklahoma)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E9), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa,

Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Nebraska, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Bartlesville, Okla.

No. MC 119176 (Sub-No. E10), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Indiana, on the one hand, and, on the other, points in Colorado (Bartlesville, Okla.)*, and Oklahoma (Tulsa, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E11), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Kentucky, on the one hand, and, on the other, points in Oklahoma, Kentucky (Tulsa, Okla.)*, and those points in Kansas on and west of U.S. Highway 81 (Bartlesville, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E12), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368,

Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska and those in Oklahoma on and north of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 119176 (Sub-No. E13), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Tennessee, on the one hand, and, on the other, points in Nebraska (points in Oklahoma)*, and Colorado (Boise City, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E14), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Nebraska, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Bartlesville, Okla.*

No. MC 119176 (Sub-No. E15), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Ohio, on the one hand, and, on the other, points in Oklahoma.* The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 119176 (Sub-No. E16), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi, on the one hand, and, on the other, points in Oklahoma (points in Arkansas)*, Nebraska (points in Arkansas and Oklahoma)*, Missouri (points in Arkansas)*, Kansas (Little Rock, Ark.)*, and Colorado (points in Arkansas and Oklahoma)*.* The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E17), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from*

drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in New Mexico (Houston, Tex.)*, Missouri, Oklahoma, Kansas (points in Arkansas)*, Colorado, and Nebraska (points in Arkansas and Bartlesville, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E18), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, restricted to such earth drilling machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and such earth drilling machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines between points in Florida, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of points in Arkansas and Bartlesville, Okla.*

No. MC 119176 (Sub-No. E19), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Florida, on*

the one hand, and, on the other, points in Colorado (points in Arkansas and Oklahoma)*, Oklahoma, Missouri, Kansas (points in Arkansas)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119641 (Sub-E10), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements from Sioux City, Iowa to points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 10 to junction Indiana Highway 19, thence along Illinois Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line, points in Michigan north and each of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23, to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 115, thence along Michigan Highway 115 to Lake Michigan.* The purpose of this filing is to eliminate the gateway of Champaign and Vermillion Counties, Illinois.

No. MC 119641 (Sub-E11), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Illinois 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements from Waterloo, Iowa to points in Indiana on and south of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 24 to junction Indiana Highway 224, thence along Indiana Highway 224 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Champaign and Vermillion Counties, Illinois.*

No. MC 119777 (Sub-No. E15), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both (except machinery, materials, supplies, and equipment incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used*

in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repair, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum; (a) from Allegheny, Westmoreland, Washington, Beaver, and Venango Counties, Pa., to points in Illinois on, south, and west of a line beginning at the Illinois-Wisconsin State line on U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line.

(b) From Washington, Allegheny, and Westmoreland Counties, Pa., and points in Beaver County, Pa., on and south of Pennsylvania Highway 68 to points in Illinois; (c) from Venango, Westmoreland, Beaver, Washington, and Allegheny Counties, Pa., to points in Indiana on, south, and west of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 114 to Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 28, thence along Indiana Highway 28 to its terminus at Union City, Ind.; and (d) from points in Westmoreland County, Pa., and points in Washington and Allegheny Counties, Pa., on and south of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 22 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to the Allegheny-Butler County line, to points in Indiana on, south, and west of a line beginning at the Michigan-Indiana State line extending along Indiana Highway 39 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of that part of Illinois and Indiana on and south of U.S. Highway 40.

No. MC 119777 (Sub-No. E23), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Such pulpboard and fibreboard and accessories used in the installation thereof,

which are embraces within building board, wall board, and insulation board. (A) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; (B) (1) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to Littlefield, Teec Nos Pas, and Topock, Ariz.; (2) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in California on and north of a line beginning at Santa Monica, Calif., thence along Interstate Highway 10 to junction California Highway 11, thence along California Highway 11 to junction U.S. Highway 66, thence along U.S. Highway 66 to the California-Arizona State line; (3) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Colorado on, north and west of a line beginning at the Colorado-Kansas State line on U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line; (4) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Maine on and east of a line beginning at Fort Kent, Me., thence along Maine Highway 161 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 2, thence along U.S. Highway 2 to the United States-Canadian Border.

(5) From the plantsite of the Flintkote Company, at or near Meridian, Miss., to Pittsburg and Berlin, N.H.; (6) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to LaPlata and Farmington, N. Mex.; and (7) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Vermont on and west of a line beginning at Burlington, Vt., thence along Interstate Highway 89 to the United States-Canadian Border; (2) such pulpboard and fibreboard and accessories used in the installation thereof, which are embraces within flakeboard, wallboard, insulation board, and paneling. (A) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming; (B) (1) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Iowa on, north, and west of a line beginning at the Iowa-Minnesota State line on U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line; (2) from the plantsite of the Flintkote Com-

pany, at or near Meridian, Miss., to points in Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line on U.S. Highway 218, thence along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 14, thence along U.S. Highway 14 to the terminus at Wiona, Minn.; (3) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Missouri on and west of U.S. Highway 65, and

(4) From the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Texas on, north, and west of a line beginning at Laredo, Tex., thence along U.S. Highway 81 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 67, thence along U.S. Highway 67 to a terminus at Texarkana, Tex.; (3) pulpboard and fibreboard. (A) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Connecticut, Massachusetts, Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Vermont, Washington, and Wyoming; (B) (1) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to Littlefield, Ariz.; (2) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in California on and north of a line beginning at the California-Nevada State line on U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 37, thence along California Highway 37 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 128, thence along California Highway 128 to junction California Highway 1, thence along California Highway 1 to a terminus at Albion, Calif.; (3) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Colorado on and north of a line beginning at the Colorado-Kansas State line on U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line; (4) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Kansas on and north of a line beginning at the Kansas-Colorado State line on U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 15W, thence along Kansas Highway 15W to the Kansas-Nebraska State line; (5) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to Friendsville and Cumberland, Md.

(6) From the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Missouri on and east of a line beginning at the Missouri-Iowa State line on Missouri Highway 81, thence along Missouri Highway 81 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction

tion U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line, (7) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Nebraska on, north, and west of a line beginning at the Nebraska-Kansas State line on Nebraska Highway 14, thence along Nebraska Highway 14 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Nebraska-Iowa State line, (8) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Nevada on and north of a line beginning at the California-Nevada State line on U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 73, thence along Nevada Highway 73 to the Nevada-Utah State line, and (9) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Utah on, north, and west of a line beginning at the Utah-Colorado State line on U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 56, thence along Utah Highway 56 to the Nevada-Utah State line; (4) *such pulpboard and fibreboard and accessories* used in the installation thereof, which are embraced within cellulose building board, (A) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Connecticut, Massachusetts, New Hampshire, and Vermont, and (B) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line on North Carolina Highway 168, thence along North Carolina Highway 168 to junction North Carolina Highway 34, thence along North Carolina Highway 34 to junction U.S. Highway 158, thence along U.S. Highway 158 to a terminus at Port Harbor, N.C. The purpose of this filing is to eliminate the gateways of (1) Wright City, Mo., (2) the plantsite of the Permaneer Co., in Calhoun County, Ark., (3) Henderson, Ky., and (4) Waverly, Va.

-No. MC 119777 (Sub-E32), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard* (except commodities, which because of size and weight require the use of special equipment), (A) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to Chicago, Ill., and points in Illinois within the Chicago commercial zone, Indianapolis, Indiana, and points in Indiana within the Chicago commercial zone, and points in Minnesota; (B)

from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to Cherry Hill and Erie, Pennsylvania; (2) *Paper and paper products*, which because of their size or weight require the use of special equipment. (A) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to points in Illinois and Indiana. (B) (1) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to points in Pennsylvania on and north of a line commencing at the Ohio-Pennsylvania State line on U.S. Highway 62, thence northeast on U.S. Highway 62 to junction Pennsylvania Highway 59, thence east on Pennsylvania Highway 59 to junction U.S. Highway 219, thence north on U.S. Highway 219 to the New York-Pennsylvania State line. (B) (2) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to points in Tennessee on and north of a line commencing at Memphis, Tennessee, thence northeast on U.S. Highway 51 to junction Tennessee Highway 54, thence east on Tennessee Highway 54 to junction U.S. Highway 70, thence northeast on U.S. Highway 70 to junction U.S. Highway 31 west, thence north on U.S. Highway 31 west to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of (1) Hancock County, Kentucky; (2) (A) Kentucky; and (2) (B) that part of Kentucky on and west of a line beginning at Louisville, Kentucky and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, and thence along U.S. Highway 31E to the Kentucky-Tennessee State line.

No. MC 119777 (Sub-E33), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fiberboard, fiberboard faced or finished, with decorative or protective materials and accessories and supplies* used in the installation thereof, when moving in the same vehicle therewith: (A) from Jacksonville, Texas to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, and West Virginia; (B) (1) from Jacksonville, Texas to points in Iowa on, north, and east of a line commencing at the Iowa-Nebraska State line on U.S. Highway 20, thence east on U.S. Highway 20 to junction U.S. Highway 69, thence south on U.S. Highway 69 to junction U.S. Highway 6, thence west on U.S. Highway 6 to junction U.S. Highway 169, thence south on U.S. Highway 169 to the Iowa-Missouri State line; and (B) (2) from Jacksonville, Texas to points in Nebraska on and

north of a line commencing at the Nebraska-Wyoming State line on U.S. Highway 20, thence east on U.S. Highway 20 to junction Nebraska State Highway 12, thence east on Nebraska Highway 12 to junction U.S. Highway 20, thence east on U.S. Highway 20 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway way of Saline or Pulaski County, Arkansas.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-24654 Filed 9-15-75; 8:45 am]

[Notice 76]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 16, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 6, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75931. By order of September 10, 1975, the Motor Carrier Board on reconsideration approved the transfer to Hy-Low Trucking, Inc., P.O. Box 262, Heidrick, Ky. 40949, of the portion of operating rights in Certificate No. MC 106759 issued January 7, 1959, to Kenneth Spangler, doing business as Kenneth Spangler Moving and Storage, 2102 Cumberland Avenue, Middlesboro, Ky. 40965, authorizing the transportation of coal, livestock, lumber, scrap iron, and concrete cinder blocks, between points in Bell County, Ky., on the one hand, and, on the other, points in Campbell, Union, Claiborne, Hamblen, Knox, Hancock, and Grainger Counties, Tenn., and Lee County, Va.

No. MC-FC-76044. By order of September 11, 1975, the Motor Carrier Board approved the transfer to Pacific East Air Freight Transfer, Inc., Cherry Hill, N.J., of the operating rights in Certificate No. MC 128383 (Sub-No. 48) issued June 20, 1975, to Pinto Trucking Service, Inc., Sharon Hill, Pa., authorizing the transportation of general commodities, except commodities in bulk, Class A and B explosives, and motor vehicles requiring special equipment, between the Kansas

City International Airport, Kansas City, Mo., Fairfax Airport at or near Kansas City, Kans., Kansas City Municipal Airport at or near Kansas City, Mo., Pulliam Airport at or near Flagstaff, Ariz., Sky Harbor International Airport at or near Phoenix, Ariz., International Airport at or near Tucson, Ariz., Yuma International Airport at or near Yuma, Ariz., Albuquerque International Airport at or near Albuquerque, N. Mex., McCarran International Airport at or near Las Vegas, Nev., Reno International Airport at or near Reno, Nev., San Francisco International Airport at or near San Francisco, Calif., Los Angeles International Airport at or near Los Angeles, Calif., and the Oakland International Airport at or near Oakland, Calif., restricted to the transportation of shipments having a prior or subsequent movement by air. Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760, attorney for applicants.

No. MC-FC-76056. By order of September 10, 1975 the Motor Carrier Board approved the transfer to Kingman Transfer Company, Inc., 3404 North Bank Street, Kingman, Arizona 86401, of Certificate No. MC 97502 Sub-No. 1, issued December 31, 1956, to E. R. Zumwalt, d/b/a Kingman Transfer Company, 3404 North Bank Street, Kingman, Arizona 86401 authorizing the transportation of general commodities between Kingman, Ariz., and points within 25 miles of Kingman.

No. MC-FC-76057. By order of September 10, 1975, the Motor Carrier Board approved the transfer to Joseph A. Borkowski, d/b/a Borkowski Trucking Co., 50 South Fourth Street, Pittsburgh, Pa. 15219 of Certificate of Registration No. MC 97625 Sub-No. 2 issued February 12, 1965, to Joseph M. Borkowski, 50 South Fourth Street, Pittsburgh, Pa. 15219, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificates of Public Convenience granted in Docket Nos. 73711, as amended, Amendment A, and 73711, Folder No. 2, all dated prior to October 15, 1962, issued by the Pennsylvania Public Utility Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-24656 Filed 9-15-75; 8:45 am]

[Notice 103]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 10, 1975.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER.

One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56640 (Sub-No. 36TA) (Correction), filed August 12, 1975, published in the FEDERAL REGISTER issue of September 4, 1975, and republished as corrected this issue. Applicant: DELTA LINES, INC., 333 Hegenberger Road, P.O. Box 2081, Oakland, Calif. 94604. Applicant's representative: 620 B1 McLaughlin & Woods, 620 Blue Cross Bldg., 1100 S.W. Market St., Portland, Ore. 97201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from Redding, Calif., to Medford, Ore., and return, via Interstate Highway 5, serving no intermediate points, for 180 days. Applicant intends to tack this authority with its existing regular-route operations under certificates No. MC 56640 and other subs, and to interline with other carriers at Medford, Ore., and Los Angeles, Sacramento, Oakland and Redding, Calif. Supporting shippers: There are approximately 205 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102. The purpose of this republication is to correct the tacking authority.

No. MC 61955 (Sub-No. 23TA), filed August 28, 1975. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterling, Sugar Creek, Mo. 64054. Applicant's representative: Donald R. Sudarth (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: Mineral filler, from Kansas City, Mo., to Ottawa, Kans., for 180 days. Supporting shipper: Cannady Supply Company, 412 West Wilson, Ottawa, Kans. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 71459 (Sub-No. 54TA), filed August 28, 1975. Applicant: O.N.C. FREIGHT SYSTEMS, P.O. Box 386, Elwood, Kans. 66204. Applicant's representative: C. J. Boddington, 260 Sheridan Ave., Suite 200, Palo Alto, Calif. 94306. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Salt Lake City, Utah and Junction U.S. Highway 160 and Colorado Highway 145; serving the intermediate points of Loma, Fruita, Grand Junction, Delta, Olathe, and Montrose, Colo.; the off-route points of Gunnison, Colo.; and serving the junction of U.S. Highway 160 and Colorado Highway 145 for purposes of joinder only; from Salt Lake City over Alternate U.S. Highway to 59 junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 550, thence over U.S. Highway 550 to junction Colorado Highway 62, thence over Colorado Highway 62 to junction Colorado Highway 145, thence over Colorado Highway 145 to junction U.S. Highway 160, and return over the same route. Applicant is authorized to tack the requested authority herein to its existing authority in MC 71459, and to interline with other carriers at Grand Junction, Colo., and Salt Lake City, Utah. Applicant is authorized to serve the Commerce Zones of all points authorized herein, for 180 days. Supporting shippers: There are approximately 113 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 97127 (Sub-No. 9TA) (Partial correction), filed August 25, 1975, published in the FEDERAL REGISTER issue of September 8, 1975, and republished as corrected this issue. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box E, Batesville, Ark. 72501. Applicant's representative: Henry U. Snively, 410 Pine St., Vienna, Va. 22180. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment and Classes A and B explosives). The purpose of this republication is to correct the docket num-

ber which was previously published in error, the rest of the publication will remain the same.

No. MC 107002 (Sub-No. 474TA), filed September 2, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sodium chlorate solution*, in bulk, in tank vehicles, from the plantsite of Hooker Chemical near Columbus, Miss., to Hawesville, Ky., for 180 days. Supporting shipper: Hooker Chemical Corporation, P.O. Box 8, Niagara Falls, N.Y. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107012 (Sub-No. 226TA), filed August 29, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cabinets*, from Des Moines, Iowa, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, for 180 days. Supporting shipper: Francisco Cabinet Corp., 1525 Illinois Ave., Des Moines, Iowa 50314. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 948TA), filed September 3, 1975. Applicant: MALLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Water reducing admixtures*, in bulk, in tank vehicles, from North Judson, Ind., to Kent, Lima, Warren, Dayton, Cleveland, Cincinnati, and Akron, Ohio; Detroit, Pontiac, and Grand Rapids, Mich.; Cookeville, Tenn.; Peoria, Mapleton, DeKalb, Sycamore, Aurora, Elmhurst, Bartlett, Naperville, Sandwich, Joliet, Addison, Chicago, Plainfield, Waukegan, Ill.; Hartsville, S.C.; Wheeling and Princeton, W. Va.; Charlotte, Cowans Ford, Pisgah Forest, Wilmington, and Henderson, N.C.; St. Louis, Mo.; and Atlanta, Powder Springs, and Milledgeville, Ga., for 180 days. Supporting shipper: Castle Chemical Corporation, 2 Porete Ave., North Arlington, N.J. 07032. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111310 (Sub-No. 13TA), filed August 28, 1975. Applicant: BEER TRANSIT, INC., P.O. Box 338, Hartland, Wis. 53029. Applicant's representative:

Wayne W. Wilson, 329 W. Wilson St., Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising equipment, premiums, materials and supplies* when shipped therewith, from Cold Spring, Minn., to points in Wisconsin, Illinois, and Indiana; (2) *Used empty malt beverage containers*, from points in Wisconsin, Illinois, and Indiana, to Cold Spring, Minn., for 180 days. Supporting shipper: Cold Spring Brewing Company, 219 North Red River Ave., Cold Spring, Minn. 56320. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 114211 (Sub-No. 251TA), filed August 29, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in, or used by, agricultural machinery, industrial equipment, and lawn leisure products dealers* (except commodities in bulk), from the facilities of International Harvester Company at St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota (except those on and east of U.S. Highway 83), the Upper Peninsula of Michigan, Wisconsin, and Wyoming, restricted to traffic originating at St. Paul, Minn., for 180 days. Supporting shipper: International Harvester Company, 401 North Michigan, Chicago, Ill. 60611. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 116474 (Sub-No. 34TA), filed September 2, 1975. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Ore. 97477. Applicant's representative: Earle V. White, 2400 W.W. Fourth Ave., Portland, Ore. 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Treated poles, piling, lumber, laminated beams and arches*, delivered with truck-mounted, self-unloading equipment, for the account of Niedermeyer-Martin Co., from the plantsite of Pacific Wood Treating Corp., at or near Ridgefield, Wash., to points in Nevada and points in California in and north of the Counties of Monterey, Kings, Tulare, and Inyo, under continuing contract with Niedermeyer-Martin Co., for 180 days. Supporting shipper: Niedermeyer-Martin Co., 1727 N.E. 11th Ave., Portland, Ore. 97212. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 117823 (Sub-No. 48TA), filed September 2, 1975. Applicant: DUNKLEY REFRIGERATED TRANSPORT,

INC., 1915 South 900 West, Salt Lake City, Utah 84104. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Idaho, Wyoming and Utah, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 119917 (Sub-No. 38TA), filed August 29, 1975. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive, SE., Atlanta, Ga. 30316. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bakery products*, from St. Petersburg, Fla., to Conyers, Ga., for 180 days. Supporting shipper: Golden State Foods Corp., 1525 Old Covington Highway NE., Conyers, Ga. 30207. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 123048 (Sub-No. 327TA) (Correction), filed August 19, 1975, published in the FEDERAL REGISTER issue of September 2, 1975, and republished as corrected this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Brick and brick pavers*, from points in North Carolina and South Carolina, to points in Michigan, for 180 days. Supporting shipper: Lincoln Brick Company, 1420 Lake Drive SE., Grand Rapids, Mich. 49506. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203. The purpose of this republication is to correct the commodity description which was previously published in error.

No. MC 123048 (Sub-No. 328TA), filed August 29, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements*; (2) *attachments for (1) above*; and (3) *parts for (1) and (2) above*, from Yazoo City, Miss., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Dynamics

Corporation of America, Portable Elevator Division, 920 East Grove St., Bloomington, Ill. 61701. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 661TA), filed August 27, 1975. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and varnish*, in bulk, in tank vehicles, from New Albany, Ind., to Chicago, Matton and Salem, Ill.; Louisville, Ky.; Corinth, Miss.; New York, N.Y.; Cincinnati, Cleveland, Dayton, and Springfield, Ohio; Gallatin and Memphis, Tenn., and Dallas, Tex., for 180 days. Supporting shipper: Flint Ink Corporation, 25111 Glendale Ave., Detroit, Mich. 48239. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125952 (Sub-No. 23TA), filed August 29, 1975. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. SW., Tacoma, Wash. 98499. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Oregon and Washington, restricted to traffic originating at the above-named origin and destined to the above-named destination states, under a continuing contract with Heinz U.S.A., Division of H. J. Heinz Company, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: L. D. Boone, Transportation A Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 127539 (Sub-No. 45TA), filed August 29, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave., East, Tacoma, Wash. 98424. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Montana, Oregon and Washington, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 135797 (Sub-No. 41TA), filed September 3, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cybert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods or foodstuffs* (except in bulk or frozen), when moving as straight shipments or as mixed shipments with commodities otherwise exempt from economic regulation under Section 203(b) (6) of the Interstate Commerce Act, from Harlingen, Tex., to points in Alabama, Arkansas, California, Colorado, the District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, and Utah, for 180 days. Supporting shipper: Pittman & Davis, Inc., 801 North Express, P.O. Box 2227, Harlingen, Tex. 78550. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136315 (Sub-No. 6TA), filed August 29, 1975. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and composition board*, from the plantsite of Kroehler Manufacturing Company, at or near Meridian, Miss., to points in Arkansas, Alabama, Georgia, Indiana, Kentucky, Louisiana, North Carolina, South Carolina, Virginia, and Tennessee, for 180 days. Supporting shipper: Kroehler Manufacturing Company, P.O. Box 4176, West Station, Meridian, Miss. 39301. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 136310 (Sub-No. 2TA), filed September 2, 1975. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Delles, Oreg. 97058. Applicant's representative: Douglas A. Wilson, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic expanded foam, cellular, nested trays and cartons*, from Yakima, Wash., and Fresno, Calif., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Colorado, New Mexico, Kansas, and Maryland, for 180 days. Supporting shipper: Western Foam Pak, Inc., 5370 E. Home Ave., Fresno, Calif. 93727. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136386 (Sub-No. 17TA), filed August 27, 1975. Applicant: GO LINES, INC., 8023 E. Slauson Ave., Suite 6, Mon-

tebello, Calif. 90640. Applicant's representative: Timothy G. Abbott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the plantsite and/or storage facilities utilized by the supporting shipper in Morrow County, Oreg., to *Longshot, Nev.; (2) from *Longshot, Nev., to points in (a) Texas and Louisiana, and (b) Nevada, California, Arizona, and New Mexico.

NOTE.—Applicant intends to tack paragraphs (1) and (2) for purposes of providing a storage in-transit privilege; transloading of cargo in-transit, or stored in-transit; commingling and/or reloading of shipments in-transit storage with through direct shipments; pool trailers shipped across state lines in peddle type, multiple delivery service as well as direct through trailer service.

*Longshot, Nev., is located in Lyon County, Nev., on Nevada state highway 1C. Nevada state highway 1C is known as the Weeks Cut-Off. It is approximately four miles west or south of Silver Springs, it runs between U.S. highway 50 and U.S. highway 95 (Alternate). Nevada State highway 1C is in a remote location and is approximately four miles long. Longshot is in the approximate center thereof, or halfway between highway 50 and 95 (Alternate). The name Longshot has been assigned this location by its developer in order to simply identify the afore described location as a point of reference, for 180 days. Supporting shippers: Gourmet Food Products, Inc., Boardman, Oreg. 97818. Gourmet Food Products, Inc., Metoullis, Oreg. 97742. Freeport in Transit Storage Co., Inc., 105 N. Sierra St., Suite 207, Reno, Nev. 89502. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136897 (Sub-No. 12TA), filed August 29, 1975. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fencing materials, and accessories and attachments therefor, and items, materials, and supplies* (except in bulk), used in the manufacture and installation thereof, between points in Arizona, California, Utah, Colorado, New Mexico, Texas, Kansas, Missouri, Nevada, and Orville, Wash., under a continuing contract with American Fence Co., for 180 days. Supporting shipper: American Fence Co., 2525 North 27th Ave., Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 138018 (Sub-No. 25TA), filed August 28, 1975. Applicant: REFRIGERATED FOODS, INC., 1420 33rd St., P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses, and commodities defined in Section 203(b) (6) of the Act, as amended, from Alamosa, Colo., and points in Denver, Jefferson and Morgan Counties, Colo., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, for 180 days.* Supporting shipper: Sigman Meat Company, 6000 W. 54th Ave., Arvada, Colo. 80002. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 138274 (Sub-No. 21TA), filed September 2, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Christian V. Graff, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Idaho, Montana, Wyoming, and Utah, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days.* Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 138956 (Sub-No. 3TA), filed August 28, 1975. Applicant: ERGON TRUCKING, INC., 202 East Pearl St., Jackson, Miss. 39201. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda, in bulk, in tank vehicles, from Brewton, Ala., to points in Santa Rosa County, Fla., for 180 days.* Supporting shipper: The Louisiana Land and Exploration Company, P.O. Box 60350, New Orleans, La. 70160. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, 145 East Amite Bldg., Room 212, Jackson, Miss. 39201.

No. MC 139495 (Sub-No. 87TA), filed September 2, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and chemicals, in vehicles equipped with mechanical refrigeration, from the facilities of Miles Laboratories, Inc., located at or near Elkhart, Ind., to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington, for 180 days.* Supporting shipper: Miles Labora-

tories, Inc., 1127 Myrtle St., Elkhart, Ind. 46514. Send protests to: M. E. Taylor, District Supervisor, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140968 (Sub-No. 1TA), filed September 3, 1975. Applicant: VALLEY TRANSPORT, INC., Drayton, N. Dak. 58225. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp pellets, from the plantsite of American Crystal Sugar Company, at or near Drayton, N. Dak., to Duluth, Minn., and its commercial zone restricted to transportation services to be performed under a continuing contract or contracts with American Crystal Sugar Company, Moorhead, Minn., for 180 days.* Supporting shipper: American Crystal Sugar Company, 101 North Third St., Moorhead, Minn. 56560. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 141264 (Sub-No. 1TA), filed August 29, 1975. Applicant: GATEWAY TRUCKING CO., INC., 2983 Strickland St., Jacksonville, Fla. 32205. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, in containers and trailers (except in bulk, automobiles and heavy hauling), between points in Jacksonville and its commercial zone, (except Yulee and Fernandina Beach), for 180 days.* Supporting shipper: McGiffin & Company, Inc., 1510 Talleyrand Ave., Jacksonville, Fla. 32206. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141266 (Sub-No. 1TA), filed August 27, 1975. Applicant: WILLIAM T. AMERSON, doing business as BILL AMERSON TRUCKING, Route 1, Box 305, Georgetown, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products and supplies, between the plantsites of Oneita Knitting Mills, at or near Andrews, S.C., on the one hand, and, on the other, the plantsites of Oneita Knitting Mills at or near Salt Lake City, Utah, under a continuing contract with Oneita Knitting Mills, for 180 days.* Supporting shipper: Oneita Knitting Mills, P.O. Drawer 24, Andrews, S.C. 29510. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-24658 Filed 9-15-75; 8:45 am]

[Notice 104]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 11, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5227 (Sub-No. 19TA), filed August 26, 1975. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, and equipment, materials and supplies used in the erection of metal buildings, from the plantsite of Behlen Manufacturing Company, at or near Columbus, Nebr., to points in Alaska, for 180 days.* Supporting shipper: Behlen Manufacturing Company, James E. Weldon, Traffic Manager, Box 569, Columbus, Nebr. 68601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 72069 (Sub-No. 6TA), filed September 4, 1975. Applicant: BLUE HEN LINES, INC., Box 565, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, in*

bulk, in dump vehicles, from Hopewell, Va., to points in Kent and Sussex Counties, Del., for 180 days. Supporting shipper: Robert A. Fisher, Jr., Vice President, Milford Fertilizer Co., Inc., P.O. Box 243, Milford, Del. 19963. Charles Wright, Secretary, Valliant Fertilizer Company, 431 N. Poplar St., Laurel, Del. 19956. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 119789 (Sub-No. 263TA), filed September 2, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Surface coated paper*; (2) *sensitized blueprint or reproduction paper*, in vehicles equipped with mechanical refrigeration, from Medford, Oreg., to Compton, Calif.; Chicago, Elk Grove Village and Wooddale, Ill.; Denver, Colo.; Seacucus, N.J.; Atlanta, Ga.; Grand Prairie, Tex.; Memphis, Tenn.; and St. Paul, Minn., for 180 days. Supporting shipper: Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to: Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 119789 (Sub-No. 264TA), filed September 3, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulators, electric wire or wiring, pottery or pottery and iron combines, and parts*, from Sandersville, Ga., to points in Idaho, Iowa, Missouri, Montana, Nebraska, North Dakota and South Dakota, for 180 days. Supporting shipper: Interpace Corporation, Lapp Insulator Division, P.O. Box 776, Sandersville, Ga. 31082. Send protests to: Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 123407 (Sub-No. 262TA), filed August 28, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from San Leandro, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Lloyd A. Fry Roofing Company, 5818 Archer Road, Summit, Ill. 60501. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 123407 (Sub-No. 263TA), filed September 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mulch*, in bags, and *equipment, materials, and supplies* used in the application thereof, from the facilities of Thermo-Coustics Manufacturing, Inc., at or near Colton, Calif., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, and New Orleans, La., for 180 days. Supporting shipper: Thermo-Coustics Manufacturing, Inc., P.O. Box 190, Colton, Calif. 92324. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 124320 (Sub-No. 23TA), filed August 29, 1975. Applicant: C. B. JOHNSON, INC., P.O. Box Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, 1600 Lincoln Center, 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from El Paso, Tex., to Uravan, Colo., for 180 days. Supporting shipper: Asarco Incorporated, 405 Montgomery St., Suite 609, San Francisco, Calif. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 136464 (Sub-No. 11TA), filed September 3, 1975. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Hosiery*; and (2) *materials and supplies* as are used in the manufacture and sale of hosiery when moving in mixed loads with hosiery; (1) between the plantsites and warehouse facilities utilized by Adams-Millis Corporation located at or near Kernersville, and High Point, N.C., on the one hand, and, on the other, Edmond, Okla.; (2) from the plantsites and warehouse facilities utilized by Adams-Millis Corporation, located at or near Edmond, Okla., to Los Angeles, Calif., and points in its commercial zone, restricted to transportation services performed under a continuing contract or contracts with Adams-Millis Corporation, for 180 days. Supporting shipper: Adams-Millis Corporation, P.O. Box 1151, High Point, N.C. 27261. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 138465 (Sub-No. 5TA), filed September 3, 1975. Applicant: PHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, Fla. 32060. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life

Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural limestone* (high calcium and dolomite), from points in Levy, Morion and Suwannee Counties, Fla., to points in Georgia on and south of U.S. Highway 280, for 180 days. Supporting shipper: Dixie Lime & Stone Co., P.O. Box 910, Ocala, Fla. 32670. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 139404 (Sub-No. 3TA), filed August 28, 1975. Applicant: WILLIAM G. BROWN, 207 North Third St., Bardonia, Ky. 40004. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wooden barrels*, set-up, (1) from Memphis, Tenn., to Lawrenceburg and Meadow Lawn, Ky., and points within three miles of Meadow Lawn, Ky., and (2) from Lynchburg, Tenn., and commercial zone thereof, to Louisville, Ky., for 180 days. Supporting shipper: National Distillers Products Company, Wayne S. Franklin, Director of Traffic, 850 Dixie Highway, Louisville, Ky. 40210. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40203.

No. MC 140484 (Sub-No. 8TA), filed September 2, 1975. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison St., P.O. Box 69, Fort Myers, Fla. 33901. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Horticultural plants and cuttings and materials and supplies* used in the growing, shipping or marketing of horticultural commodities, in vehicles equipped with mechanical temperature controlled devices, between points in Illinois on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Mississippi, Ohio, North Carolina, South Carolina, Tennessee, Arkansas, Virginia, West Virginia, Florida, Indiana, Louisiana, Texas, New Mexico, Arizona, California, Pennsylvania, and Michigan, for 180 days. Supporting shippers: George J. Ball, Inc., P.O. Box 335, West Chicago, Ill. Florists Products, Inc., 780 W. Oakton St., Des Plaines, Ill. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 140677 (Sub-No. 6TA), filed September 2, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Tal-
lent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: *Prefabricated houses, unassembled*, from Rothschild, Wis., to points in South Dakota, for 180 days. Supporting shipper: Family Homes, Inc., Box 2192, Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 141274TA, filed August 25, 1975. Applicant: C. C. ANKENY, INC., P.O. Box 1034, Whittier, Calif. 90609. Applicant's representative: Kenneth Sadler (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *High pressure rubber hose and related articles*, from Trenton, N.J., to points in California, Colorado, Louisiana, Missouri, Texas and Utah; (2) *Plastic, scrap, pellets, flakes, powders*, from Beaumont, Tex., to points in California, Ohio, New York and New Jersey, under continuing contract with Goodall Rubber Company, and Elray, Incorporated, for 180 days. Supporting shipper: Goodall Rubber Company, P.O. Box 631, Whitehead Road, Trenton, N.J. 08604. Elray Incorporated, 905 Euclid Ave., No. 103, Fullerton, Calif. 92632. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141275TA, filed August 26, 1975. Applicant: WARREN G. DIAZ, SR., doing business as DIAZ TRUCKING COMPANY, 4835 Rosemont Place, New Orleans, La. 70126. Applicant's representative: Byron M. Unkauf, 1120 Hibernia Bank Bldg., New Orleans, La. 70112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in the commercial zone of New Orleans, La., for 180 days. Supporting shipper: Sea-Land Service, Inc., Edward C. Keller, Terminal Mgr., 2700 France, New Orleans, La. 70186. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 141276TA, filed September 2, 1975. Applicant: DONALD P. AVERILL, doing business as AVERILL & SON HAULING, P.O. Box 191, Tillamook, Ore. 97141. Applicant's representative: Donald G. Averill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chips, hog fuel and sawdust*, from Hearin Mfg., Latimer Road, Highway 30, Tillamook, Ore., to Longview Fiber, Highway 433, Longview, Wash., for 180 days. Supporting shipper: Hearin Manufacturing, P.O. Box 2366, Eugene, Ore. 97402. Send protests to: A. E. Odums, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 141277TA, filed August 29, 1975. Applicant: TOTAL TRANSPORT, INC., 308 Whitney Bldg., New Orleans,

La. 70130. Applicant's representative: Julius E. Barr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, loaded and unloaded, also *general commodities*, between points and places within New Orleans Commercial Zone as defined in New Orleans Commercial Zone, 1973, 117 ICC 816, including New Orleans, for 180 days. Supporting shipper: McCandless, Inc., Noel Lacassin, Vice President, 135 St. Charles Ave., Room 906, New Orleans, La. 70130. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 141278TA, filed August 28, 1975. Applicant: CHARLES W. SIRCY CORPORATION, 434 Atlas Drive, Nashville, Tenn. 37211. Applicant's representative: Robert L. Baker, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packing house products*, between Nashville and Clarksville, Tenn., and Kinston, N.C., on the one hand, and, on the other, points in Louisiana, Virginia, Pennsylvania, Ohio, Michigan, Maryland, North Carolina, Massachusetts, Missouri, Iowa, and New York, under a continuing contract with Frosty Morn Meats, Inc., for 180 days. Supporting shipper: Frosty Morn Meats, Inc., Clarksville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 141279TA, filed August 29, 1975. Applicant: SOUTHERN ILLINOIS TRANSPORTATION CORPORATION, 101 West Vienna St., Anna, Ill. 62906. Applicant's representative: John Womick, 609 East College, Carbondale, Ill. 62901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, posts, woodpilings, crossing panels and other similar wood products, with or without treatment with preservatives*, between Carbondale, Jonesboro, and Galesburg, Ill., on the one hand, and, on the other points in Kentucky, Indiana, Wisconsin, Missouri, Michigan, and Iowa, for 180 days. Supporting shipper: X. P. Laskaris, Plant Manager, Koppers Company, Inc., Carbondale, Ill. 62901. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141280TA, filed August 29, 1975. Applicant: ALAMOGORDO MOVING & STORAGE, INC., 300 Highway 70 West, P.O. Box 275, Alamogordo, N. Mex. 88310. Applicant's representative: Alan F. Wohlsetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the Counties of Eddie, Dona

Ana, Sierra, Socorro, Lincoln, Chaves, and Otero, N. Mex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19032 South Vermont Ave., Torrance, Calif. 90502. Towne International Forwarding, Inc., P.O. Box 17449, San Antonio, Tex. 78217. Furniture Forwarding, Inc., P.O. Box 50800, Indianapolis, Ind. 46250. Send protests to: John H. Kirkemo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 141281TA, filed September 2, 1975. Applicant: MINNESOTA LINES, INC., Route 2, Highway 13 North, Albert Lea, Minn. 56007. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Neb. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and industrial insecticides, herbicides, pesticides and chemicals and empty containers* for the commodities described in (2) below (except commodities in bulk, in tank vehicles), from the facilities of Imperial, Inc., at or near Albert Lea, Minn., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, South Dakota, Tennessee, Wisconsin, and Wyoming; and (2) *Materials and supplies* used in the packaging, processing, formulating, production, blending and storage of the commodities described in (1) above and points in Georgia, Michigan, Nevada, New Jersey, New York, Ohio, and Pennsylvania, to the facilities of Imperial, Inc., at or near Albert Lea, Minn. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Imperial, Inc., for 180 days. Supporting shipper: Imperial, Inc., P.O. Box 423, Shenandoah, Iowa 51601. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141282TA, filed September 3, 1975. Applicant: U-CART TRANSPORTATION, INC., P.O. Box 1633, Vancouver, Wash. 98663. Applicant's representative: Philip G. Skofstad, 3076 East Burnside, Portland, Ore. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete mixing plants, parts, accessories, attachments, tools, devices and apparatus* used in the manufacture and installation and erection thereof, and *concrete additive* (except in bulk and tank trucks), between Vancouver, Wash., on the one hand, and, on the other, all points in the Continental United States, under a continuing contract with U-Cart Concrete Systems, Inc., P.O. Box 1833, Vancouver, Wash. 98663. Send protests

to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141283TA, filed August 29, 1975. Applicant: ADAPTO, INC., 680 North Lithfield Road, Goodyear, Ariz. 85338. Applicant's representative: George S. Livermore, The Quadrangle,

Suite 100, Phoenix, Ariz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic actuation systems* for Maverick Missiles, from Kalamazoo, Mich., to Tucson, Ariz., under a continuing contract with National Water Lift Co., for 180 days. Supporting shipper: National Water Lift Co., A Division of Pneumo Corp., 2220 Plamer

Ave., Kalamazoo, Mich. 49001. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24659 Filed 9-15-75; 8:45 AM]

federal register

TUESDAY, SEPTEMBER 16, 1975



PART II:

FEDERAL ELECTION COMMISSION



**CONTINUOUS REPORTING
OF CAMPAIGN DEBTS
FROM 1972**

**FUNDING LIMITATIONS
AND SEPARATE
COMMITTEES FOR DUAL
CANDIDATES**

Advisory Opinions

FEDERAL ELECTION COMMISSION

[Notice 1975-43]

CONTINUOUS REPORTING OF CAMPAIGN DEBTS FROM 1972

Advisory Opinion

The Federal Election Commission announces the publication today of Advisory Opinion 1975-18. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that this advisory opinion should be regarded as an interim ruling which is subject to modification by future Commission regulations of general applicability. In the event that a holding in an opinion is altered by the Commission's regulations, the person to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-18

CONTINUOUS REPORTING OF CAMPAIGN DEBTS FROM 1972

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests for advisory opinions submitted by James R. Snider for the Illinois Muskie Campaign and Frank W. Wurzelow, Jr., for the Senator Ellender Campaign Committee, which were published together as AOR 1975-18 in the July 29, 1975 *FEDERAL REGISTER* (40 FR 31878). Interested parties were given an opportunity to submit written comments relating to the requests.

The requests generally ask the Commission, under the Federal Election Campaign Act of 1971, as amended (the Act), whether a political committee with outstanding debts from a past campaign may discontinue reporting to the Commission because it has ceased to receive contributions and make expenditures. Specifically, the following requests were made:

(a) James R. Snider, attorney for the Muskie Illinois Campaign, states that there has been no activity in the Muskie Illinois Committee since 1973. He further states that the political committee has disbanded, that since 1973 the Committee has not received any contributions nor made any expenditures in an aggregate amount totaling more than \$1,000 and that the Committee does not expect to make any such expenditures nor receive any contributions. The Committee continues to owe \$166,432.75 from its 1972 campaign effort, and it has no funds to extinguish this debt nor does it contemplate the receipt of any contributions in the future. Mr. Snider asks whether the Committee is still obligated to file re-

ports, and if so, for how many years must reports be filed with the Commission in these circumstances; and

(b) Frank W. Wurzelow, Jr., treasurer for the Senator Ellender Campaign Committee states that the Committee was generally inactive during the immediate past reporting period and is now non-existent except for a lawsuit pending against the Committee. The lawsuit involves an outstanding claim by Innovative Data Systems of Louisiana for \$43,194.68 which is disputed by the Committee. Mr. Wurzelow states that this probably will be a long-drawn-out lawsuit and asks whether the Committee may discontinue reporting until the pending lawsuit is terminated. On the termination of the suit, Mr. Wurzelow states that the Committee will file a final report.

It generally is provided in 2 U.S.C. 434 (b) (12) that the treasurer of a political committee shall file with the Commission a report which shall disclose "the amount and nature of debts and obligations owed by or to the Committee, in such form as the Commission may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the Commission may require until such debts and obligations are extinguished, together with a statement as to the circumstances and conditions under which any such debt or obligation is extinguished and the consideration therefore." Thus, debts and obligations which remain outstanding after an election shall be continuously reported in the manner and at the frequency that the Commission may prescribe.

It is provided in 2 U.S.C. 433(d) that a political committee which disbands or determines that it no longer will receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall notify the Commission. However, this subsection neither expressly nor impliedly provides that on such notification the Commission automatically will permit a political committee to cease reporting. More specifically, neither the express language of the subsection nor the applicable legislative history indicates that Congress intended when enacting this provision to allow a political committee, which has an outstanding campaign debt, the power to decide for itself whether to discontinue reporting either indefinitely or permanently. To allow a political committee such power would be an invitation to commit fraud; since once the committee decided on its own to cease reporting, it would have the opportunity to privately convert some of its creditors to contributors by declining to pay certain debts, even though direct contributions from such creditors might violate Title 18, United States Code. Thus the only reasonable interpretation of this subsection is that it allows a political committee to notify the Commission whenever it desires to disband or indefinitely cease reporting, but reserves to the Commission the discretionary authority to provide

for such a termination or discontinuation of reporting. Application of this view may be seen in 2 U.S.C. 436(b) in which it is provided that the Commission may by rule of general applicability, which is published in the *FEDERAL REGISTER* not less than 30 days before its effective date, relieve: (1) Any category of candidates from the obligation to comply personally with the reporting requirements; and (2) any category of political committees from the reporting requirements if the committees primarily support persons seeking State or local office, and "do not operate in more than on State or do not operate on a statewide basis."

The Commission's power to relieve a political committee from an obligation to continuously report debts and obligations because of special circumstances, is found in 2 U.S.C. 436(c) which provides that "[t]he Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported." It is further provided in 2 U.S.C. 434(b) (12) that outstanding debts shall be reported until extinguished at such periods as may be prescribed by the Commission, thereby allowing the Commission the discretion to develop flexible reporting periods for debts. The Commission thus has been granted by Congress the power to develop regulations to govern reporting by political committees, and also the corresponding power to propose regulations pursuant to 2 U.S.C. 438(c) which will relieve for a definite or indefinite period and sound policy reasons, certain categories of political committees from the obligation to report. However, inasmuch as the Commission only has the power to relieve a category of political committees from the obligation to report through a regulation of general applicability, such relief cannot be afforded a single political committee or even a category of political committees through an advisory opinion since it would be neither generally applicable nor subject to review by the Senate or House of Representatives.

Accordingly, it is the opinion of the Commission that:

(a) A political committee which is indebted from its 1972 campaign effort, has no funds to extinguish the debt, and does not contemplate receiving any contributions in the future, is generally required to file quarterly and yearly reports with the Commission until issuance of regulations of general applicability which would relieve the committee of its reporting obligations;

(b) A political committee which is inactive except for a pending lawsuit is generally required to file quarterly and yearly reports with the Commission until such time as regulations of general applicability have been issued which would relieve the committee of its reporting obligations.

However, if either political committee receives contributions of less than \$1,000 or makes expenditures of less than \$1,000

in a calendar quarter as provided in 2 U.S.C. 434(a)(1)(C), then the political committee is not required to file a detailed report for that quarter and need only file such explanation for its failure to file as may be prescribed by the Commission.

This advisory opinion is issued only on an interim basis pending promulgation by the Commission of rules and regulations of general applicability.

This advisory opinion is to be construed as limited to the facts of the request and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

Dated: September 10, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

[FR Doc. 75-24509 Filed 9-15-75; 8:45 am]

[Notice 1975-44]

FUNDING LIMITATIONS AND SEPARATE COMMITTEES FOR DUAL CANDIDATES

Advisory Opinion

The Federal Election Commission announces the publication today of Advisory Opinion 1975-11. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that this advisory opinion should be regarded as an interim ruling which is subject to modification by future Commission regulations of general applicability. In the event that a holding in an opinion is altered by the Commission's regulations, the person to whom the opinion is issued will be notified.

ADVISORY OPINION 1975-11

FUNDING LIMITATIONS AND SEPARATE COMMITTEES FOR DUAL CANDIDATES

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests submitted by Senator Lloyd Bentsen and Congressman Alan Steelman and published as AOR 1975-11 in the July 9, 1975, FEDERAL REGISTER (40 FR 26660). Interested parties were given an opportunity to submit written comments pertaining to the requests.

A. Requests of Senator Bentsen by Counsel: Contribution and spending limits applicable to candidate for two Federal offices. Senator Bentsen expects to simultaneously seek nomination for election to the Presidency and the Office of United States Senator. His specific questions are as follows:

(a) May a candidate seeking nomination for election to the Presidency and the Office

of Senator at the same time take advantage of two expenditure limits, so that he may spend the amount designated by 18 U.S.C. 608(c)(1)(C) on behalf of his senatorial primary campaign and twice that amount with respect to his presidential primary campaign in the State in which he seeks the Office of Senator pursuant to 18 U.S.C. 608(1)(A)?

(b) Do the personal and immediate family expenditure limits of 18 U.S.C. 608(a)(10) apply separately to an individual's simultaneous candidacy for nomination or election to the Presidency and for nomination to the Office of Senator, so that the individual may spend \$35,000 with respect to his senatorial race and other \$50,000 with respect to his presidential race?

(c) Do the contribution limits in 18 U.S.C. 608(b)(1) and (2) apply separately in the case of simultaneous candidacy, so that, for example, an individual may contribute \$1,000 to the candidate with respect to his Senate primary election and another \$1,000 with respect to his candidacy in the State's presidential primary?

1. The relevant expenditure limitations in 18 U.S.C. 608(c) are as follows:

(1) No candidate shall make expenditures in excess of—

(A) Ten million dollars, in the case of a candidate for nomination for election to the Office of President of the United States, except that the aggregate of expenditures under this subparagraph in any one State shall not exceed twice the expenditure limitation applicable in such State to a candidate for nomination for election to the office of senator * * *;

(C) In the case of campaign for nomination for election by a candidate for the office of Senator * * *;

(i) Eight cents multiplied by the voting age population of the State * * *;

On the basis of the facts asserted by Senator Bentsen, the Commission concludes that this statute must be construed so as to prohibit a candidate who is simultaneously seeking nomination for election to the Presidency and the office of Senator from making, in the State in which he seeks election as Senator, expenditures in an amount which exceed the amount applicable to his senatorial campaign. This conclusion should not be construed as applying to dual candidates for federal offices other than the Presidency; in this part of the Opinion the Commission addresses an entirely distinct situation which in the Commission's view requires a separate ruling. (See Part B of the Opinion.)

On its face, the portions of 18 U.S.C. 608(c) previously enumerated merely set forth expenditure limitations applicable to candidates seeking nomination for the office of President or Senator; there is no indication as to how the statute is to be applied in the case of a proposed dual candidacy such as that of Senator Bentsen. However, despite the lack of specific statutory direction, it is clear that the ruling of Commission, supra, is the only interpretation which effectively harmonizes the statute with applicable principles of constitutional law.

A uniform application of the senatorial nomination expenditure limit to Senator Bentsen and his rivals avoids the unfair advantages which Senator Bentsen

would undoubtedly gain by being able to spend more money statewide than opposing candidates who seek only one office. These expenditures, which could run as much as three times greater than Senator Bentsen's senatorial rivals (as well as one half more than opposing presidential candidates), would obviously give him a significant publicity advantage over his opposition. If the law is read to require that such an advantage be conferred or permitted, it runs afoul of the constitutional right of Senator Bentsen's rivals to communicate with the affected constituency on a basis substantially equivalent to that enjoyed by the Senator. In short, the law thus read would so discriminate against these rivals' power to communicate as to deny them the equal protection of the laws, as that concept is embodied in the Due Process Clause of the Fifth Amendment to the United States Constitution. Cf. *Bolling v. Sharpe*, 347 U.S. 497 (1954); *Bullock v. Washington*, 468 F. 2d 1096, 1104-05 (D.C. Cir. 1972). The Commission finds no rational basis, much less a compelling one, for so limiting a challenger's ability to compete for the electorate's attention. Nor may it be argued that the discriminatory effect which the Commission here perceives can be avoided if Senator Bentsen's rivals for the Senate seat adopt the expedient course of simply declaring themselves to be presidential candidates as well; this would only serve to make a sham of the spending limitations of the Federal Election Campaign Act Amendments of 1974, and would be sure to encourage a multitude of frivolous or spurious candidacies. These obviously unacceptable effects are avoided by the Commission's ruling today. The ruling also preserves the basic spirit of the Federal Election Campaign laws, which seek to foreclose the possibility that one federal candidate will hold an insurmountable financial advantage over another.

It may be argued that the effect of the Commission's ruling is to deny equal protection to Senator Bentsen himself. However, at worst, this is only true with regard to Senator Bentsen's presidential primary spending in Texas; it is certainly not true with regard to any other presidential primary or, for that matter, with regard to the total expenditure limitation on the Senator as a prospective presidential nominee. Moreover, within Texas, the reduced presidential primary expenditure limitations applicable to Senator Bentsen are compensated for by the fact that he is already the Senator from Texas and thus, within Texas, begins with a significant exposure advantage over his rivals. Furthermore, the financial resources which, because of this ruling, may not be used in Texas, are not thereby wasted; they may clearly be applied in other jurisdictions, and may there provide a de facto expenditure advantage over rival presidential candidates. Finally, whatever disadvantages Senator Bentsen may suffer from the Commission's ruling are outweighed by the higher constitutional purpose the ruling serves with regard to

his senatorial rivals. See, analogously, *American Party of Texas v. White*, 415 U.S. 767 (1974).

Because the express provisions of the Federal Election Campaign Act Amendment of 1974 did not clearly foreordain the foregoing conclusion regarding the applicable expenditure limitations, it is the Commission's view that the limitation set forth above should be applied only prospectively.

Therefore, potential dual candidates for the Presidency and the Senate, if they have already declared their presidential candidacy or are deemed to be a presidential candidate under the candidate definition of 18 U.S.C. 591(b), may, for purposes of the 1976 elections alone, hereafter spend the full amount allowed for a senatorial candidate in the relevant state.

2. The Commission's conclusions stated in Section 1 of Part A of this opinion also apply with respect to the candidate's personal fund expenditure limitations in 18 U.S.C. 608(a). That section states that:

No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns during any calendar year for nomination for election, or for election, to Federal office in excess of, in the aggregate—

(A) \$50,000, in the case of a candidate for the office of President or Vice President of the United States;

(B) \$35,000, in the case of a candidate for the office of Senator or for the office of Representative from a State which is entitled to only one Representative; or

(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner, in any other State.

The Commission is concerned that candidates for one federal office may frivolously seek another federal office at the same time solely to expend more personal funds. Therefore, the Commission concludes that in the state where an individual simultaneously seeks nomination for election to the Presidency and the office of Senator he or she may spend from personal funds, including those of the "immediate family," no more than \$35,000 in connection with both campaigns. Such personal expenditures may be allocated as the candidate sees fit. However, to the extent that any portion of the \$35,000 is spent for the presidential campaign within that state, the portion so spent must be deducted from the \$50,000 which a candidate may permissibly expend from his personal funds, or those of his immediate family, in the country as a whole.

3. With respect to how contribution limitations under 18 U.S.C. 608(b) apply to persons and potential committees who contribute to a candidate simultaneously seeking nomination for both the offices of President and Senator, the Commission concludes that contributions may be made to the same extent as would be permissible if two individuals rather than one, were seeking the described offices.

The Commission is of the view that the concern for equal protection of the law expressed supra in section 1, with regard to expenditure limitations, has minimal relevance with regard to limitations on contributions. Moreover, the Commission emphasizes that such a dual federal candidate must establish and maintain two entirely separate campaign organizations. Contributions made with respect to one campaign may not be expended with respect to the other campaign, unless the contribution is actually returned to the contributor and he or she thereafter contributes to the other campaign. Transfers between the separate campaign committee structures are not permissible. In no event, of course, may a contributor give more than \$1,000 (or \$5,000 in the case of a committee qualified under 18 U.S.C. 608(b)(2)) with respect to each election held in connection with each candidacy.

B. *Request of Congressman Alan Steelman: Creation of separate campaign committees for Congressional and Statewide Office.* Congressman Steelman requested an opinion as to whether a Congressman contemplating running for the office of Senator may form a new campaign committee to accumulate and spend campaign funds for that purpose. The Congressman specifically inquired whether, for example, such a committee may be formed to raise \$25,000 to pay for a Statewide poll and for travel around the State over a period of six months to sound out party leaders and to "test the political waters."

The Commission concludes that in the case of a candidate who is seeking the office of Congressman and Senator from the same state the candidate may spend funds up to the expenditure limitation applicable to a senatorial campaign in that state, subject to the further restrictions set forth hereinafter. While the Commission is necessarily sensitive to the equal protection implications of its conclusion, it is of the view that the Constitution permits, within the framework of a complex statute designed to advance a major public interest, a good faith regulatory effort to accommodate competing constitutional considerations to the maximum extent feasible, even though certain limited inequalities inevitably remain despite that effort. This is precisely the Commission's effort in this instance. See, e.g., *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973).

In the case of dual candidates for Congress or Senator, it is clear that a ruling restricting the candidate to the lower of the two applicable spending limitations would affect the candidate's entire campaign for the other office. Such a limitation would have a total, irreversible impact on the candidate's senatorial campaign. The discrimination he would suffer is utterly different from the potential problem in the case of a dual candidate who is running for the Presidency. As already noted in Part A of this

Opinion, whatever diminution of equal protection (if any) which a dual Presidential candidate may suffer in his home state is more than counterbalanced by the fact that in all other states the candidate would enjoy at least the same spending power as his rivals. The same simply cannot be said with regard to the Senate candidate restricted to House campaign limits; such limits effectively nullify his or her Senate race.

It also should be noted that a Congressman who is running for Senator would not, in the typical situation, have the same advantage of prior exposure vis-a-vis his rivals as has a favorite son presidential candidate such as Senator Bentsen. Indeed, at least some of Congressman Steelman's potential senatorial rivals might initially be better known than the Congressman himself. This would only serve to exacerbate the invidious effect of a lower spending limitation on Congressman Steelman.

It may be argued that the Commission's ruling herein has the reverse effect of its ruling on Senator Bentsen's request—namely, that it discriminates against Congressman Steelman's rivals in his Congressional race. However, the Commission minimizes, if it does not obviate this difficulty by setting out the following requirements. Each such dual candidate must establish and maintain completely separate campaign committee structures for the senatorial and Congressional races. The Congressional campaign structure may make expenditures only with respect to the Congressional district. Such expenditures may not exceed the applicable House limits for that district, and at the same time each dollar expended in the district will count toward the state-wide senatorial limit. Expenditures within the district by the candidate's senatorial campaign structure will be counted toward the House expenditure limit for that district.

Transfers between the two separate campaign committee structures are impermissible. Contributions made with respect to a campaign may be expended with respect to the other campaign only if the contribution is actually returned to the contributor and he or she thereafter contributes to the other campaign. And, of course, in no event may a contributor give more than \$1,000 or \$5,000 in the case of a committee qualified under 18 U.S.C. 608(b)(2) with respect to each election held in connection with each candidacy.

This advisory opinion is to be construed as limited to the facts of the request and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

Dated: September 10, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

[FR Doc. 75-24506 Filed 9-15-75; 8:45 am]

federal register

TUESDAY, SEPTEMBER 16, 1975



PART III:

DEPARTMENT OF TRANSPORTATION

**Federal Highway
Administration**



**HIGHWAY
BEAUTIFICATION,
OUTDOOR
ADVERTISING
CONTROL**

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 750—HIGHWAY BEAUTIFICATION

Outdoor Advertising Control

● Purpose: This document publishes regulations of the Federal Highway Administration (FHWA) prescribing policies and requirements relating to the effective control of outdoor advertising in areas adjacent to Interstate and Federal-aid highways. The regulations will appear as Subpart G of this part. ●

A notice of proposed rulemaking was issued by the Administrator of the Federal Highway Administration and published in the FEDERAL REGISTER on October 10, 1974, at 39 FR 36490. A correction of this notice of proposed rulemaking was published on December 13, 1974, at 39 FR 43409. Finally, an Amended Notice of proposed rulemaking was published on March 11, 1975, at 40 FR 11361. This amendment was necessitated by changes made in 23 U.S.C. 131 under the Federal-Aid Highway Amendments of 1974, Pub. L. 93-643, January 4, 1975. A substantial number of comments were received on these three notices from the outdoor advertising industry, environmental groups, and other interested parties. In addition, comments were received from the Advisory Commission on Intergovernmental Relations (ACIR) and State members of the American Association of State Highway and Transportation Officials (AASHTO) pursuant to the clearance process required by Office of Management and Budget Circular A-85.

The proposed regulations have been modified as a result of some of the comments received, as a result of additional consultation with the States, and after further consideration of the regulations within the FHWA.

The following is a section-by-section analysis of comments received and modifications resulting from the notices of proposed rulemaking:

§ 750.703 DEFINITIONS

Two comments suggested the addition of a definition of an "abandoned" sign. The suggestion was not adopted because the regulations now provide that each State shall develop criteria defining this term.

A definition of "unzoned commercial or industrial area" has been included as a result of comment.

The definition of "State law" has been revised to omit reference to political subdivision ordinances or regulations pursuant to a comment that the original definition was too broad.

The definition of "lease" has been revised to indicate that it must be a valid contract under State law. This was done pursuant to comment that such an addition would accommodate differences in State law.

The definition of "illegal sign" has been revised to include those which are

illegal under local law or ordinance as a result of comment received.

The definition of a double-faced, back-to-back, or "V" type sign has been deleted as a definition. The subject is now addressed in § 750.706, Sign Control in Zoned and Unzoned Commercial and Industrial Areas.

The definition of "visible" has been revised by substituting the word "readable" for "legible." The definition of "legible" has been omitted.

Two comments took exception to the definition of "urban areas." This is defined in 23 U.S.C. 101(a), and was a quote. The regulations now refer the reader to the law.

§ 750.704 STATUTORY REQUIREMENTS

Two comments took exception to the use of the term "visible" in § 750.704(a) relative to those signs within 660 feet of the right-of-way. One stated that "visible" seemed entirely too far-reaching and that something more in accord with their State law should be used. The suggestion was not adopted because 23 U.S.C. 131 uses the term "visible."

One comment objected to directional signs as being discriminatory against certain tourist-oriented businesses, and also stated that the National Standards regulating such signs should be established in this regulation rather than at a later date. These standards were issued in January, 1969, pursuant to policies and provisions expressed in 23 U.S.C. 131, and are currently found in Subpart B, Part 750, Chapter I, 23 CFR.

§ 750.705 EFFECTIVE CONTROL

A comment recommended the inclusion of just compensation requirements in § 750.705. The recommendation was accepted, and § 750.705(e) was revised accordingly.

Section 750.705(g) has been revised. The suggested criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way has been moved to a nonregulatory part of this regulation. One additional item concerning use of data from an independent audit agency was added pursuant to a comment.

A recommendation was made to include the following statement in § 750.705(g):

"If the sign was erected prior to construction of the controlled highway, and is adjacent to another highway, it should not be considered as having been erected with the purpose of its message being read from the main-traveled way (of the controlled highway)."

If adopted, this provision would have the effect of creating a class of exempt signs not subject to control or removal simply because they predated the construction of a highway. We believe this is contrary to the intent of 23 U.S.C. 131. Construction of a new Interstate or primary highway may have the effect of creating new nonconforming signs in the same manner as the system reclassification of a highway from secondary to primary.

Section 750.705(i), which concerns the State enforcement procedures relative to illegally erected or maintained signs has been revised by the deletion of certain detailed requirements. However, the basic requirement of prompt discovery and removal has not been changed.

New § 750.705(j) concerning FHWA approval of State operating procedures has been added.

§ 750.706 SIGN CONTROL IN ZONED AND UNZONED COMMERCIAL AND INDUSTRIAL AREAS

Section 750.706(c)(2) would allow local zoning authorities to establish less restrictive regulations than those contained in the State-Federal agreement unless State law prohibits this. Several comments were received which took exception to the provision for less restrictive regulations. This provision was not revised because 23 U.S.C. 131(d) allows bona fide State, county, or local zoning authorities to make a determination of "customary use," which determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographic jurisdiction of such authority. Thus, "customary use" in a particular community may be less restrictive than the agreement criteria and would have to be accepted.

Section 750.706(c)(5) has been revised to make clear that where local controls have been certified within commercial and industrial zones, pursuant to 23 U.S.C. 131(d), the State remains responsible for the control of those areas within the local jurisdiction which are outside of the commercial and industrial zones. This was done pursuant to a comment that the previous language was too broad.

§ 750.707 NONCONFORMING SIGNS

One comment recommended the deletion of this entire section, and revising it to make three distinctions: (1) Nonconforming signs; (2) pre-existing signs; and (3) abandoned signs. This suggestion was not adopted. Pre-existing signs are those covered under a so-called "grandfather clause" in certain State-Federal agreements. Although not required to be removed, they are subject to the same rules as non-conforming signs and should not be singled out for special treatment. Abandonment is only one category in a large number of events which would terminate the right to maintain and continue a nonconforming sign.

One comment strongly objected to the concept that lack of copy should be the clue used by the States to presume a sign is abandoned unless the owner can prove such is not the case. The comment recommended the following be used in determining abandonment:

1. Is the sign owner in compliance with governmental license or permit requirements?
 2. Is the sign owner continuing efforts to secure a user for the space?
 3. Is the sign owner in default of his current agreement with the site owner?
- While it is agreed that the three tests may be used as evidence of abandonment,

these regulations relate not only to abandonment but to voluntary discontinuance of a nonconforming use as well. It is well established in land use law that if a nonconforming use is discontinued or abandoned, it may not again be resumed. Further, a discontinuance of a nonconforming use acts as a bar to resumption of such use even though there may be no evidence of intended abandonment.

There has been some controversy as to when and under what circumstances a sign should be treated as abandoned or discontinued. Thus, these regulations provide that each State shall develop criteria to define abandonment and discontinuance, and that such criteria may provide that a sign with obsolete advertising matter or without advertising matter, each for a designated period of time, may constitute abandonment or discontinuance.

Another comment stated that it is severely damaging to sign owners to treat pre-existing signs in legal areas, which subsequently became controlled, as if they were nonconforming signs subject to easy forfeiture for a mere lack of copy, and to provide that such forfeiture deprives the sign owners of the right thereafter to operate such signs and receive compensation. Further, with regard to true nonconforming signs, regulations which provide for a forfeiture of the right to operate as a nonconforming use (and of the right to compensation) on the grounds of a mere lack of copy would be illegal because Congress itself provided to the contrary.

The foregoing assumes that Federal law guarantees compensation upon the removal of every sign that predated the Federal or State law whether or not the sign was lawfully in existence under State law at the time the State acts to remove it. Such is not the case. There is no vested right to future just compensation based on conditions once but no longer existing at the time of acquisition. The conditions which establish a right to payment of just compensation must be in existence at the time of acquisition. Thus, signs which become illegal are no longer required to be acquired under the law of eminent domain. A sign does not lose its nonconforming status by "mere lack of copy" because customary maintenance and change of message is permitted, and does not terminate nonconforming rights. Rather, the lack of copy must endure for a period of time which constitutes a cessation of the nonconforming use or an abandonment of the nonconforming use.

Several comments were made to the effect that § 750.707(d) (2) should be revised because owners of small signs should have the same right to compensation as the owners of larger signs with substantial value. "Substantial value" should have no bearing. This was not intended, and the regulation has been revised to require that there must be existing property rights in the sign without regard to value.

Comments were made with regard to § 750.707(d) (6) that the exceptions allowed should also include acts of God

as they too constitute events beyond the sign owner's control. No change has been made. The exceptions made for vandalism and other criminal or tortious acts were due solely to the fact that the Highway Beautification Act of 1965, Pub. L. 89-295, October 22, 1965, created an impetus for unauthorized persons to deliberately chop down or vandalize signs as a part of the environmental movement. Such a practice is not condoned. However, nonconforming uses are terminated by natural attrition in the normal course of events. Thus, a nonconforming sign destroyed or substantially damaged by an act of God is terminated because it would need to be rebuilt or a new sign would have to be erected in its place. New signs, or substantially new signs, must be located in conforming areas. To allow new signs to be erected in a nonconforming area only to be later acquired by the State would unduly burden the taxpayers with an unwarranted cost.

A comment stated that while the provisions of § 750.707(d) closely follow zoning law as it relates to nonconforming uses, and although it might be agreed that zoning law should be applied to nonconforming uses which are allowed to remain indefinitely in commercial or industrial areas, the equity or legality of applying such rules to nonconforming signs scheduled for acquisition is open to serious question. It was urgently requested that the regulations differentiate between nonconforming signs to be acquired, and nonconforming signs allowed to remain under a "grandfather clause." Further, it was suggested that § 750.707(d) be changed to permit alteration or enlargement of a nonconforming sign to be acquired, as well as its rebuilding or reconstruction if damaged or destroyed by forces not under the owner's control.

The foregoing recommendations were not accepted. All nonconforming signs must be treated alike under police power rules. 23 U.S.C. 131 calls for the States to exercise their police power in controlling signs, with compensation provided for those signs which will not be allowed to remain, on the premise that the police power should not be applied retroactively to deprive an owner of his nonconforming use. The owner has a vested right, and forced removal in such cases constitutes a taking requiring compensation. Thus, if Federal funds are not made available in connection with this program, nonconforming signs in prohibited areas would be allowed to remain in the same manner as "grandfathered" signs. See 23 U.S.C. 131(m). Federal law does not provide compensation prospectively so as to cover new sign improvements made in the future, nor does it render once existing sign sites forever compensable and exempt from control.

A comment suggested that the regulation be revised to permit enlarging a nonconforming sign if it does not exceed State law or regulation limits. This suggestion was not adopted. State size limits apply only to conforming signs. A nonconforming sign must remain substantially the same as it was on the effective

date of State law or regulation, or its nonconforming status is terminated.

A comment stated that the section concerning destruction of a nonconforming sign was ambiguous, and should be clarified. The regulation has been revised to require each State to develop criteria concerning destruction, and that such criteria may provide that a sign damaged in excess of a certain percentage of its replacement cost may be considered destroyed.

Several comments recommended that former § 750.707(d) (7) (i) be revised so that where new content is not put on a structure within an established period of time, such a structure would not be allowed to remain standing indefinitely. The regulation has been revised, and provides that each State shall establish a time period, after expiration of which, such signs are to be considered abandoned or voluntarily discontinued, and subject to removal.

Section 750.707(d) (6) (ii) has been revised pursuant to comment to make it clear that the rule is based on customary State enforcement practice and not industry practice. The actual time limit to be imposed is left to the States' discretion with a condition if it exceeds one year.

§ 750.708 ACCEPTANCE OF STATE ZONING

One comment recommended revision of § 750.708(b), because it could be interpreted as requiring constant review of all zoning actions whether they pertain to outdoor advertising control or not. The recommendation was accepted.

A comment recommended deletion of § 750.708(d) because it is covered by § 750.708(b). This recommendation was not accepted. Section 750.708(b) requires that zoning actions must be taken in accordance with basic legislative authority, and that certain actions are not recognized as zoning for outdoor advertising control purposes. However, § 750.708(d) makes the point that zones, such as agricultural or residential, which permit limited commercial or industrial activities incidental to the primary land use, are not considered commercial or industrial zones for outdoor advertising control purposes.

Another comment recommended deletion of § 750.708(d) as being contrary to 23 U.S.C. 131. This recommendation was not accepted. The law provides signs may be allowed in commercial and industrial zones. Sections 750.708 (b) and (d) are essential to assure the recognition of only bona fide commercial and industrial zones, rather than rural or residential zoning classifications or attempts to circumvent the intent of Congress.

§ 750.709 ON-PROPERTY OR ON-PREMISE ADVERTISING

One comment recommended the deletion of this section in its entirety, and amending § 750.705 by adding a new paragraph as follows:

"Assure that signs erected under § 750.704 (a) (3) are in fact legitimate on-property signs and not outside the scope of 23 U.S.C. 131."

The foregoing recommendations were not accepted. The primary purposes of this section are to provide for general uniformity of implementation in the several States and to curb attempts to circumvent the intent of the law.

A comment suggested revision of this section to clarify the point that on-property signs are subject to regulation only if they are located along Interstate highways in those States which have entered into an agreement under the Federal-Aid Highway Act of 1958, adding section 131, Title 23, U.S.C., Pub. L. 85-767, August 27, 1958, as amended, and often referred to as the 1958 Bonus Program. The regulation has been revised in accordance with this suggestion.

In addition to the regulations issued today, the Federal Highway Administration has provided its field personnel non-regulatory guidelines designed to aid them in administering the Subpart G, Part 750, and in advising the States on the outdoor advertising control program.

The first part of these guidelines deals with States which have adopted controls along the Interstate System pursuant to the 1958 Bonus Program. The present law, while permitting no further expansion of the program to other States, preserves the Bonus payments to those States which had adopted such controls before June 30, 1965. The guidelines explain the relationship between the present law and 1958 Bonus Program.

Bonus payments are provided in accordance with an agreement between the State and the United States Secretary of Transportation (or his predecessor, the Secretary of Commerce). The Highway Beautification Act of 1965 (the 1965 Act), as amended, and the regulations issued pursuant to it have substantially changed control requirements. These new requirements supersede the requirement of the Bonus Agreements where the new requirements are stricter. In order to continue to receive bonus payments, however, a "bonus State" must continue to enforce its Bonus Agreement. The most important aspects of the dual control requirements are:

(1) The Bonus Program applies only to the Interstate System.

(2) Bonus Agreements exempted areas adjacent to an Interstate Highway where any part of the right-of-way for the highway was acquired before July 1, 1956. Such areas are often called "Cotton Areas." Cotton areas are no longer exempted and must be effectively controlled.

(3) The Bonus Agreements also exempted areas adjacent to an Interstate Highway traversing a commercial or industrial zone located within the boundaries of incorporated municipalities as such boundaries existed on September 21, 1959, provided such areas are subject to the control or regulation of the municipality, or other commercial or industrial areas where the land use was clearly established by State law as commercial or industrial on September 21, 1959. Such areas are called "Kerr Areas." Under the 1965 Act, signs are permitted in zoned

and unzoned commercial or industrial areas subject to a size, lighting and spacing agreement between the State and the Secretary. The Bonus Agreement is controlling with respect to the number and size of commercial or industrial zones or areas recognized, but signs in such zones or areas are subject to provisions of the size, lighting, and spacing agreements made pursuant to the 1965 Act.

(4) The 1958 Bonus Agreement National Standards permitted four classes of signs in protected areas. See Subpart A, Part 750, Chapter I, 23 CFR. These are affected as follows:

(a) *Class 1*—Directional and official signs were subject to regulation, but were not, in fact, regulated under the 1958 National Standards. Signs of this category are subject to National Standards under the 1965 Act (Subpart B, Part 750, Chapter I, 23 CFR) and therefore these provisions are controlling.

(b) *Class 2*—On-premise (on-property) signs are exempt from control under the 1965 Beautification Act, but are subject to control under the 1958 Bonus Agreement National Standards. However, the 1958 National Standards exclude such signs from control if they are located in Cotton or Kerr areas.

(c) *Class 3*—Signs within 12 air-miles of the advertised activity are not permitted unless they are located in commercial or industrial areas or qualify as official or directional signs permitted under 23 U.S.C. 131(c) because the 1965 Act does not permit such a category.

(d) *Class 4*—Signs in the specific interest of the traveling public are not permitted unless they are located in commercial or industrial areas or qualify as official or directional signs permitted under 23 U.S.C. 131(c) because the 1965 Act does not permit such a category.

(5) On-premise signs located more than 50 feet from the advertised activity are subject to control in bonus States in accordance with Subpart A, Part 750, Chapter I, 23 CFR.

The second part of the guidelines deals with the destruction of trees and shrubs in the right-of-way in order to increase or enhance the visibility of outdoor advertising signs. It also deals with instances of the erection or maintenance of signs adjacent to Interstate highways and freeways by unlawful access.

The State highway department is urged to take all legal and administrative action at its disposal to abate these practices, including action to recover damages to landscaping, sodding, fences, and other appurtenances to the highway. Additionally, it is recommended that the States consider the following administrative remedies:

(1) Revocation of permits for any signs so involved;

(2) Denial of permits for signs which can only be erected or maintained as a practical matter from the highway right-of-way or which could not be seen from the highway due to existing landscaping on the right-of-way;

(3) Certification on permits or licenses to the effect that the sign owner will not engage in these practices;

(4) Performance bonds in permit or licensing procedures to guarantee compliance; and

(5) A specific prohibition in State outdoor advertising control regulations.

The third part of the guidelines suggests the type of factors the States might consider in developing the criteria for determining when a sign is erected with the purpose of its message being read from the main-traveled way of an Interstate or primary highway. Such criteria are required by § 750.705(g). These factors are:

(a) Traffic counts, sign angle and size, message content, physical obstructions, and similar factors;

(b) Distance from the controlled highway in relation to the size of the sign;

(c) Exposure time (for example, would signs permitting glance views of a few seconds on highways with speed limits of 55 miles per hour be deemed readable?) and,

(d) The sales value of the sign attributable to advertising circulation on the controlled highway under the criteria of an independent circulation audit agency where such is available.

The fourth, and last, part of the guidelines suggests measuring techniques which the States may wish to adopt.

The regulations here published will become effective on the 9th day of September, 1975.

Issued on: September 9, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Chapter I of Title 23 is amended by adding Part 750, Subpart G as follows:

Subpart G—Outdoor Advertising Control

Sec.	Purpose.
750.701	Purpose.
750.702	Applicability.
750.703	Definitions.
750.704	Statutory Requirements.
750.705	Effective Control.
750.706	Sign Control in Zoned and Unzoned Commercial and Industrial Areas.
750.707	Nonconforming Signs.
750.708	Acceptance of State Zoning.
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750.710	Landmark Signs.
750.711	Structures Which Have Never Displayed Advertising Material.
750.712	Reclassification of Signs.
750.713	Bonus Provisions.

AUTHORITY: 23 U.S.C. 131 and 315; 49 CFR 1.48.

Subpart G—Outdoor Advertising Control § 750.701 Purpose.

This subpart prescribes the Federal Highway Administration (FHWA) policies and requirements relating to the effective control of outdoor advertising under 23 U.S.C. 131. The purpose of these policies and requirements is to assure that there is effective State control of outdoor advertising in areas adjacent to Interstate and Federal-aid primary highways. Nothing in this subpart shall be construed to prevent a State from establishing more stringent

outdoor advertising control requirements along Interstate and Primary Systems than provided herein.

§ 750.702 Applicability.

The provisions of this subpart are applicable to all areas adjacent to the Federal-aid Interstate and Primary Systems, including toll sections thereof, except that within urban areas, these provisions apply only within 660 feet of the nearest edge of the right-of-way. These provisions apply regardless of whether Federal funds participated in the costs of such highways. The provisions of this subpart do not apply to the Federal-Aid Secondary or Urban Highway System.

§ 750.703 Definitions.

The terms as used in this subpart are defined as follows:

(a) Commercial and industrial zones are those districts established by the zoning authorities as being most appropriate for commerce, industry, or trade, regardless of how labeled. They are commonly categorized as commercial, industrial, business, manufacturing, highway service or highway business (when these latter are intended for highway-oriented business), retail, trade, warehouse, and similar classifications.

(b) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(c) Federal-aid Primary Highway means any highway on the system designated pursuant to 23 U.S.C. 103(b).

(d) Interstate Highway means any highway on the system defined in and designated, pursuant to 23 U.S.C. 103(e).

(e) Illegal sign means one which was erected or maintained in violation of State law or local law or ordinance.

(f) Lease means an agreement, license, permit, or easement, oral or in writing, by which possession or use of land or interests therein is given for a specified purpose, and which is a valid contract under the laws of a State.

(g) Maintain means to allow to exist.

(h) Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(i) Sign, display or device, hereinafter referred to as "sign," means an outdoor advertising sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the Interstate or Primary Systems, whether the same be permanent or portable installation.

(j) State law means a State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State.

(k) Unzoned area means an area where there is no zoning in effect. It does not include areas which have a rural zoning classification or land uses established by zoning variances or special exceptions.

(l) Unzoned commercial or industrial areas are unzoned areas actually used for commercial or industrial purposes as defined in the agreements made between the Secretary, U.S. Department of Transportation (Secretary), and each State pursuant to 23 U.S.C. 131(d).

(m) Urban area is as defined in 23 U.S.C. 101(a).

(n) Visible means capable of being seen, whether or not readable, without visual aid by a person of normal visual acuity.

§ 750.704 Statutory Requirements.

(a) 23 U.S.C. 131 provides that signs adjacent to the Interstate and Federal-aid Primary Systems which are visible from the main-traveled way and within 660 feet of the nearest edge of the right-of-way, and those additional signs beyond 660 feet outside of urban areas which are visible from the main-traveled way and erected with the purpose of their message being read from such main-traveled way, shall be limited to the following:

(1) Directional and official signs and notice which shall conform to national standards promulgated by the Secretary in Subpart B, Part 750, Chapter I, 23 CFR, National Standards for Directional and Official Signs;

(2) Signs advertising the sale or lease of property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under the authority of State law;

(5) Signs within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are unzoned commercial or industrial areas, which areas are determined by agreement between the State and the Secretary; and

(6) Signs lawfully in existence on October 22, 1965, which are determined to be landmark signs.

(b) 23 U.S.C. 131(d) provides that signs in § 750.704(a) (4) and (5) must comply with size, lighting, and spacing requirements, to be determined by agreement between the State and the Secretary.

(c) 23 U.S.C. 131 does not permit signs to be located within zoned or unzoned commercial or industrial areas beyond 660 feet of the right-of-way adjacent to the Interstate or Federal-aid Primary System, outside of urban areas.

(d) 23 U.S.C. 131 provides that signs not permitted under § 750.704 of this regulation must be removed by the State.

§ 750.705 Effective Control.

In order to provide effective control of outdoor advertising, the State must:

(a) Prohibit the erection of new signs other than those which fall under § 750.704(a) (1) through (6);

(b) Assure that signs erected under § 750.704(a) (4) and (5) comply, at a minimum, with size, lighting, and spacing criteria contained in the agreement between the Secretary and the State;

(c) Assure that signs erected under § 1750.704(a) (1) comply with the national standards contained in Subpart B, Part 750, Chapter I, 23 CFR;

(d) Remove illegal signs expeditiously;

(e) Remove nonconforming signs with just compensation within the time period set by 23 U.S.C. 131 (Subpart D, Part 750, Chapter I, 23 CFR, sets forth policies for the acquisition and compensation for such signs);

(f) Assure that signs erected under § 750.704(a) (6) comply with § 750.710, Landmark Signs, if landmark signs are allowed;

(g) Establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of an Interstate or primary highway, except where State law makes such criteria unnecessary. Where a sign is erected with the purpose of its message being read from two or more highways, one or more of which is a controlled highway, the more stringent of applicable control requirements will apply;

(h) Develop laws, regulations, and procedures to accomplish the requirements of this subpart;

(i) Establish enforcement procedures sufficient to discover illegally erected or maintained signs shortly after such occurrence and cause their prompt removal; and

(j) Submit regulations and enforcement procedures to FHWA for approval.

§ 750.706 Sign Control in Zoned and Unzoned Commercial and Industrial Areas.

The following requirements apply to signs located in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way adjacent to the Interstate and Federal-aid primary highways.

(a) The State by law or regulation shall, in conformity with its agreement with the Secretary, set criteria for size, lighting, and spacing of outdoor advertising signs located in commercial or industrial zoned or unzoned areas, as defined in the agreement, adjacent to Interstate and Federal-aid primary highways. If the agreement between the Secretary and the State includes a grandfather clause, the criteria for size, lighting, and spacing will govern only those signs erected subsequent to the date specified in the agreement. The States may adopt more restrictive criteria than are presently contained in agreements with the Secretary.

(b) Agreement criteria which permit multiple sign structures to be considered as one sign for spacing purposes must limit multiple sign structures to signs which are physically contiguous, or connected by the same structure or cross-bracing, or located not more than 15 feet apart at their nearest point in the case of back-to-back or "V" type signs.

(c) Where the agreement and State law permits control by local zoning authorities, these controls may govern in lieu of the size, lighting, and spacing controls set forth in the agreement, subject to the following:

(1) The local zoning authority's controls must include the regulation of size, of lighting, and of spacing of outdoor advertising signs, in all commercial and industrial zones.

(2) The regulations established by local zoning authority may be either more restrictive or less restrictive than the criteria contained in the agreement, unless State law or regulations require equivalent or more restrictive local controls.

(3) If the zoning authority has been delegated extraterritorial jurisdiction under State law, and exercises control of outdoor advertising in commercial and industrial zones within this extraterritorial jurisdiction, control by the zoning authority may be accepted in lieu of agreement controls in such areas.

(4) The State shall notify the FHWA in writing of those zoning jurisdictions wherein local control applies. It will not be necessary to furnish a copy of the zoning ordinance. The State shall periodically assure itself that the size, lighting, and spacing control provisions of zoning ordinances accepted under this section are actually being enforced by the local authorities.

(5) Nothing contained herein shall relieve the State of the responsibility of limiting signs within controlled areas to commercial and industrial zones.

§ 750.707 Nonconforming Signs.

(a) *General.* The provisions of § 750.707 apply to nonconforming signs which must be removed under State laws and regulations implementing 23 U.S.C. 131. These provisions also apply to nonconforming signs located in commercial and industrial areas within 660 feet of the nearest edge of the right-of-way which come under the so-called grandfather clause contained in State-Federal agreements. These provisions do not apply to conforming signs regardless of when or where they are erected.

(b) *Nonconforming Signs.* A nonconforming sign is a sign which was lawfully erected but does not comply with the provisions of State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Changed conditions include, for example, signs lawfully in existence in commercial areas which at a later date become non-commercial, or signs lawfully erected on a secondary highway later classified as a primary highway.

(c) *Grandfather Clause.* At the option of the State, the agreement may contain a grandfather clause under which criteria relative to size, lighting, and spacing of signs in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way apply only to new signs to be erected after the date specified in the agreement. Any sign lawfully in existence in a commercial or industrial area on such date may remain even though it may not comply with the size, lighting, or spacing criteria. This clause only allows an individual sign at its particular location for the duration of its normal life subject to customary maintenance. Preexisting signs covered by a grandfather clause, which do not comply with the agreement criteria have the status of nonconforming signs.

(d) *Maintenance and Continuance.* In order to maintain and continue a nonconforming sign, the following conditions apply:

(1) The sign must have been actually in existence at the time the applicable State law or regulations became effective as distinguished from a contemplated use such as a lease or agreement with the property owner. There are two exceptions to actual existence as follows:

(i) Where a permit or similar specific State governmental action was granted for the construction of a sign prior to the effective date of the State law or regulations and the sign owner acted in good faith and expended sums in reliance thereon. This exception shall not apply in instances where large numbers of permits were applied for and issued to a single sign owner, obviously in anticipation of the passage of a State control law.

(ii) Where the State outdoor advertising control law or the Federal-State agreement provides that signs in commercial and industrial areas may be erected within six (6) months after the effective date of the law or agreement provided a lease dated prior to such effective date was filed with the State and recorded within thirty (30) days following such effective date.

(2) There must be existing property rights in the sign affected by the State law or regulations. For example, paper signs nailed to trees, abandoned signs and the like are not protected.

(3) The sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming area but cannot be re-established at a new location as a nonconforming use.

(4) The sign must have been lawful on the effective date of the State law or regulations, and must continue to be lawfully maintained.

(5) The sign must remain substantially the same as it was on the effective date of the State law or regulations. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change which would

terminate nonconforming rights. Each State shall develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.

(6) The sign may continue as long as it is not destroyed, abandoned, or discontinued. If permitted by State law and reerected in kind, exception may be made for signs destroyed due to vandalism and other criminal or tortious acts.

(i) Each State shall develop criteria to define destruction, abandonment and discontinuance. These criteria may provide that a sign which for a designated period of time has obsolete advertising matter or is without advertising matter or is in need of substantial repair may constitute abandonment or discontinuance. Similarly, a sign damaged in excess of a certain percentage of its replacement cost may be considered destroyed.

(ii) Where an existing nonconforming sign ceases to display advertising matter, a reasonable period of time to replace advertising content must be established by each State. Where new content is not put on a structure within the established period, the use of the structure as a nonconforming outdoor advertising sign is terminated and shall constitute an abandonment or discontinuance. Where a State establishes a period of more than one (1) year as a reasonable period for change of message, it shall justify that period as a customary enforcement practice within the State. This established period may be waived for an involuntary discontinuance such as the closing of a highway for repair in front of the sign.

(e) *Just Compensation.* The States are required to pay just compensation for the removal of nonconforming lawfully existing signs in accordance with the terms of 23 U.S.C. 131 and the provisions of Subpart D, Part 750, Chapter I, 23 CFR. The conditions which establish a right to maintain a nonconforming sign and therefore the right to compensation must pertain at the time it is acquired or removed.

§ 750.708 Acceptance of State Zoning.

(a) 23 U.S.C. 131(d) provides that signs "may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas . . . which are zoned industrial or commercial under authority of State law." Section 131(d) further provides, "The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act."

(b) State and local zoning actions must be taken pursuant to the State's zoning enabling statute or constitutional authority and in accordance therewith. Action which is not a part of comprehensive zoning and is created primarily to permit outdoor advertising structures, is not recognized as zoning for outdoor advertising control purposes.

(c) Where a unit of government has not zoned in accordance with statutory authority or is not authorized to zone,

the definition of an unzoned commercial or industrial area in the State-Federal agreement will apply within that political subdivision or area.

(d) A zone in which limited commercial or industrial activities are permitted as an incident to other primary land uses is not considered to be a commercial or industrial zone for outdoor advertising control purposes.

§ 750.709 On-Property or On-Premise Advertising.

(a) A sign which consists solely of the name of the establishment or which identifies the establishment's principal or accessory products or services offered on the property is an on-property sign.

(b) When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner, it shall be considered the business of outdoor advertising and not an on-property sign.

(c) A sale or lease sign which also advertises any product or service not conducted upon and unrelated to the business or selling or leasing the land on which the sign is located is not an on-property sign.

(d) Signs are exempt from control under 23 U.S.C. 131 if they solely advertise the sale or lease of property on which they are located or advertise activities conducted on the property on which they are located. These signs are subject to regulation (Subpart A, Part 750, Chapter I, 23 CFR) in those States which have executed a bonus agreement, 23 U.S.C. 131(j). State laws or regulations shall contain criteria for determining exemptions. These criteria may include:

(1) A property test for determining whether a sign is located on the same property as the activity or property advertised; and

(2) A purpose test for determining whether a sign has as its sole purpose the identification of the activity located on the property or its products or services, or the sale or lease of the property on which the sign is located.

(3) The criteria must be sufficiently specific to curb attempts to improperly qualify outdoor advertising as "on-property" signs, such as signs on narrow strips of land contiguous to the advertised activity when the purpose is clearly to circumvent 23 U.S.C. 131.

§ 750.710 Landmark Signs.

(a) 23 U.S.C. 131(c) permits the existence of signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which is consistent with the purpose of 23 U.S.C. 131.

(b) States electing to permit landmark signs under 23 U.S.C. 131(c) shall submit a one-time list to the Federal Highway Administration for approval. The list should identify each sign as being in the original 1966 inventory. In the event a sign was omitted in the 1966 inventory, the State may submit other evidence to support a determination that the sign was in existence on October 22, 1965.

(c) Reasonable maintenance, repair, and restoration of a landmark sign is permitted. Substantial change in size,

lighting, or message content will terminate its exempt status.

§ 750.711 Structures Which Have Never Displayed Advertising Material.

Structures, including poles, which have never displayed advertising or informative content are subject to control or removal when advertising content visible from the main-traveled way is added or affixed. When this is done, an "outdoor advertising sign" has then been erected which must comply with the State law in effect on that date.

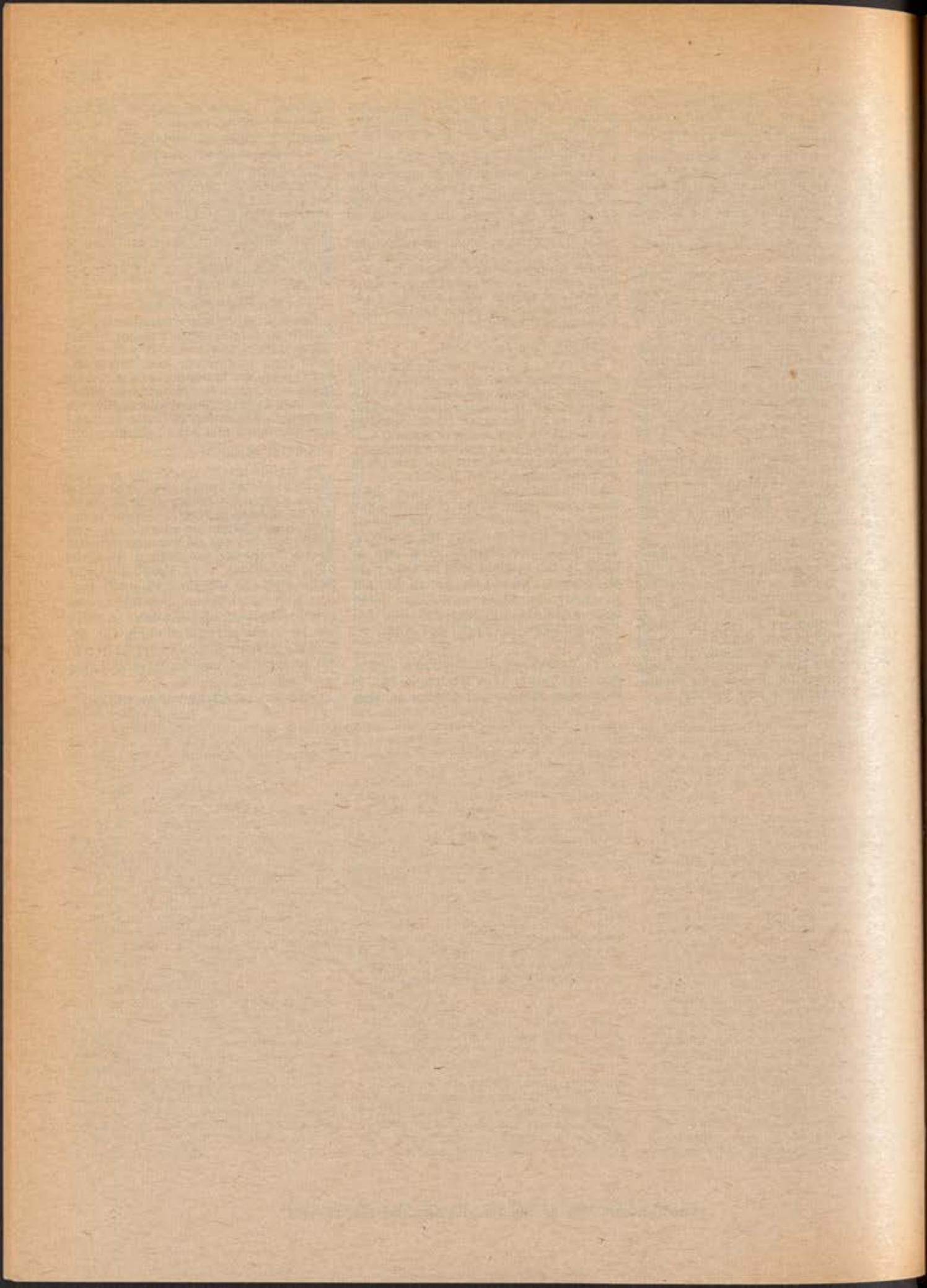
§ 750.712 Reclassification of Signs.

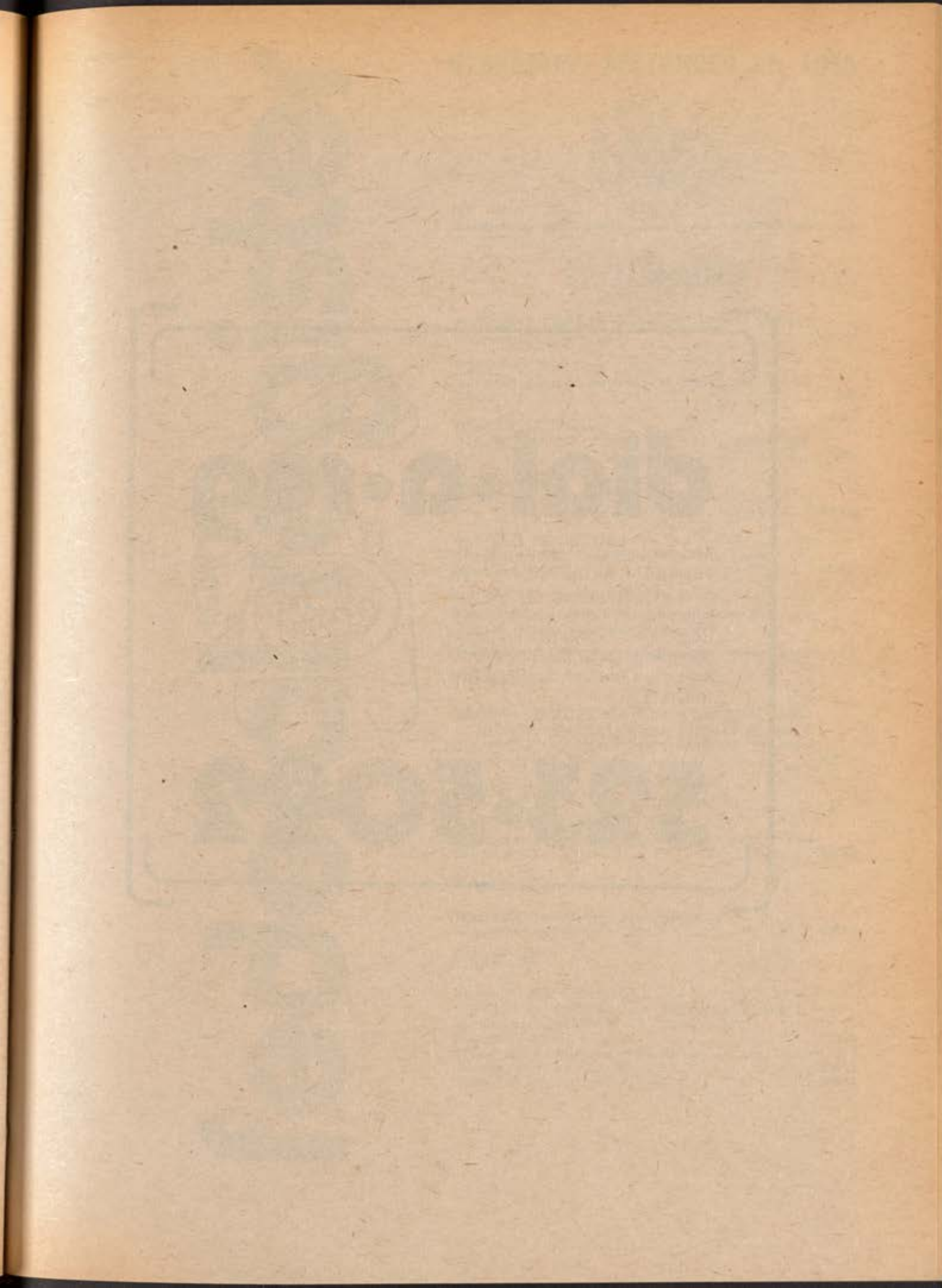
Any sign lawfully erected after the effective date of a State outdoor advertising control law which is reclassified from legal-conforming to nonconforming and subject to removal under revised State statutes or regulations and policy pursuant to this regulation is eligible for Federal participation in just compensation payments and other eligible costs.

§ 750.713 Bonus Provisions.

23 U.S.C. 131(j) specifically provides that any State which had entered into a bonus agreement before June 30, 1965, will be entitled to remain eligible to receive bonus payments provided it continues to carry out its bonus agreement. Bonus States are not exempt from the other provisions of 23 U.S.C. 131. If a State elects to comply with both programs, it must extend controls to the Primary System, and continue to carry out its bonus agreement along the Interstate System except where 23 U.S.C. 131, as amended, imposes more stringent requirements.

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